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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 8 अगस्त 1967 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 8th August 1967 :—

| Issue No. | No. and Date | Issued by | Subject |
|-----------|------------------------------------|--|---|
| 381 | S.O. 2562, dated 28th July, 1967. | Ministry of Information and Broadcasting. | Approval of the film as specified therein. |
| 382 | S.O. 2563, dated 29th July, 1967. | Ministry of Food, Agriculture, Community Development and Co-operation. | Substitution of date. |
| 383 | S.O. 2564, dated 31st July, 1967. | Ministry of Commerce. | Extending the period of effect up to 31st August, 1967. |
| 384 | S.O. 2655, dated 1st August, 1967. | Ministry of Food, Agriculture, Community Development and Co-operation. | Substitution of date. |
| 385 | S.O. 2656, dated 1st August, 1967. | Ministry of Commerce. | Prohibiting the import and export of all goods. |
| 386 | S.O. 2657, dated 2nd August, 1967. | Ministry of Labour, Employment and Rehabilitation. | Delegation of powers under the Industrial disputes Act, 1947 in respect of the offences punishable under sections 26, 27, 28 and 29 of that Act in relation to any strike in the Bombay Port to the Regional Labour Commissioner (Central), Bombay. |

| Issue No. | No. and Date | Issued by | Subject |
|-----------|--------------------------------------|---|--|
| 387 | S. O. 2658, dated 4th August, 1967. | Ministry of Commerce. | Direction that the East India Jute and Hessian Exchange Limited, Calcutta to suspend all business in jute goods in the future market for a period of seven days with immediate effect. |
| 388 | S. O. 2659, dated 4th August, 1967. | Do. | Amendment to the notification No. 12/66, dated 10th November, 1966. |
| | S. O. 2660, dated 4th August, 1967. | Do. | Amendment to the notification No. 12/66, dated 10th November, 1966. |
| 389 | S. O. 2661, dated 5th August, 1967 | Do. | Quality Control and pre-shipment inspection of points and allied products. |
| | S. O. 2662, dated 5th August, 1967. | Do. | The Export of Paints and Allied Products (Quality Control and Inspection) Rules, 1967. |
| | S. O. 2663, dated 5th August, 1967 | Do. | Appointment of persons as the panel of experts for the purpose of hearing appeals mentioned in the table therein. |
| | S. O. 2664, dated 5th August, 1967. | Do. | Amendment in the notification No. S. O. 3881, dated 17th December, 1966. |
| 390 | S. O. 2664A, dated 7th August, 1967. | Ministry of Information and Broadcasting. | Approval of the film as specified therein. |
| 391 | S. O. 2774, dated 8th August, 1967. | Ministry of Commerce. | Order made by the State Governments. |

ऊपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय की छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन की छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 9th August 1967

S.O. 2868.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Dadra and Nagar Haveli hereby

nominates Shri M. S. Dayal as the Chief Electoral Officer for the Union Territory of Dadra and Nagar Haveli with effect from the 12th June, 1967 and until further orders *vice* Shri H. K. Khan.

[No. 154/26/67.]

New Delhi, the 10th August 1967

S.O. 2869.—In exercise of the powers conferred by section 21 and sub-section (1) of section 22 of the Representation of the People Act, 1951, and in supersession of its notification No. 434/AP/65 dated the 11th January, 1967, the Election Commission hereby appoints, in respect of each of the parliamentary constituencies in the State of Andhra Pradesh as determined by the Delimitation Commission in its Order No. 3, dated the 3rd July, 1965, and specified in column 1 of the Table below:—

- (a) the officer specified in the corresponding entry in column 2 of the said Table to be the Returning Officer; and
(b) the officer specified in the corresponding entry in column 3 of the said Table to be the Assistant Returning Officer.

TABLE

| Name of the Constituency | Returning Officer | Assistant Returning Officer |
|--------------------------|---------------------------------|---|
| 1 | 2 | 3 |
| 1. Srikakulam | Collector, Srikakulam | Personal Assistant to Collector, Srikakulam. |
| 2. Parvathipuram | Collector, Srikakulam | Personal Assistant to Collector, Srikakulam. |
| 3. Bobbili | Collector, Srikakulam | Personal Assistant to Collector, Srikakulam. |
| 4. Visakhapatnam | Collector, Visakhapatnam | Personal Assistant to Collector Visakhapatnam. |
| 5. Bhadrachalam | Collector, Khammam | Personal Assistant to Collector Khammam. |
| 6. Anakapalli | Joint Collector, Visakhapatnam. | Huzur Sarishtadar, Collector Office, Visakhapatnam. |
| 7. Kakinada | Collector, East Godavari | Personal Assistant to Collector, East Godavari. |
| 8. Rajamundry | Collector, East Godavari | Personal Assistant to Collector, East Godavari. |
| 9. Amalapuram | Collector, East Godavari | Personal Assistant to Collector, East Godavari. |
| 10. Narsapur | Collector, West Godavari | Personal Assistant to Collector, West Godavari. |
| 11. Eluru | Collector, West Godavari | Personal Assistant to Collector, West Godavari. |
| 12. Gudur | Collector, Krishna | Personal Assistant to Collector, Krishna. |
| 13. Vijayawada | Collector, Krishna | Personal Assistant to Collector, Krishna. |
| 14. Machilipatnam | Collector, Krishna | Personal Assistant to Collector, Krishna. |
| 15. Ongole | Collector, Guntur | Personal Assistant to Collector, Guntur. |
| 16. Guntur | Collector, Guntur | Personal Assistant to Collector, Guntur. |
| 17. Narasaraopet | Collector, Guntur | Personal Assistant to Collector, Guntur. |

| 1 | 2 | 3 |
|------------------|---|---|
| 18. Kavalh | Collector, Nellore | Personal Assistant to Collector, Nellore. |
| 19. Nellore | Collector, Nellore | Personal Assistant to Collector Nellore. |
| 20. Tirupathi | Collector, Chittoor | Personal Assistant to Collector, Chittoor |
| 21. Chittoor | Collector, Chittoor | Personal Assistant to Collector, Chittoor. |
| 22. Rajampet | Collector, Cuddapah | Personal Assistant to Collector, Cuddapah. |
| 23. Cuddapah | Collector, Cuddapah | Personal Assistant to Collector, Cuddapah. |
| 24. Hindupur | Collector, Anantapur | Personal Assistant to Collector, Anantapur. |
| 25. Anantapur | Collector, Anantapur | Personal Assistant to Collector, Anantapur. |
| 26. Kurnool | Collector, Kurnool | Personal Assistant to Collector, Kurnool. |
| 27. Nandyal | Collector, Kurnool | Personal Assistant to Collector, Kurnool. |
| 28. Nagarkurnool | Collector, Mahbubnagar | Personal Assistant to Collector, Mahbubnagar. |
| 29. Mahbubnagar | Collector, Mahbubnagar | Personal Assistant to Collector, Mahbubnagar. |
| 30. Hyderabad | Collector, Hyderabad | Personal Assistant to Collector, Hyderabad. |
| 31. Secunderabad | Commissioner, Municipal Corporation of Hyderabad. | Deputy Commissioner, Municipal Corporation of Hyderabad, Hyderabad. |
| 32. Siddipet | Collector, Medak | Personal Assistant to Collector, Medak. |
| 33. Medak | Collector, Medak | Personal Assistant to Collector, Medak. |
| 34. Nizamabad | Collector, Nizamabad | Personal Assistant to Collector, Nizamabad. |
| 35. Adilabad | Collector, Adilabad | Personal Assistant to Collector, Adilabad. |
| 36. Peddapalli | Collector, Karimnagar | Personal Assistant to Collector, Karimnagar. |
| 37. Karimnagar | Collector, Karimnagar | Personal Assistant to Collector, Karimnagar. |
| 38. Warangal | Collector, Warangal | Personal Assistant to Collector, Warangal. |
| 39. Khammam | Collector, Khammam | Personal Assistant to Collector, Khammam. |
| 40. Nalgonda | Collector, Nalgonda | Personal Assistant to Collector, Nalgonda. |
| 41. Miryalguda | Collector, Nalgonda | Personal Assistant to Collector, Nalgonda. |

[No. 434/AP/67.]

ORDERS

New Delhi, the 3rd August 1967

S.O. 2870.—Whereas the Election Commission is satisfied that Shri Kishori Chandra of Asarganj, District Monghyr, Bihar a contesting candidate for election to the House of the People from Monghyr constituency, has failed to lodge an account

of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder:

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kishori Chandra to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/29/67(8).]

New Delhi, the 14th August 1967

S.O. 2871.—Whereas the Election Commission is satisfied that Shri Ram Narain Khalkho of Karamtoli, Ranchi (Bihar) a contesting candidate for election to the House of the People from Lohardaga constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Khalkho to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/52/67(9).]

S.O. 2872.—Whereas the Election Commission is satisfied that Shri Amrutlal Shukla, Sircilla, Karimnagar District, a contesting candidate for election to the Andhra Pradesh, House of the People from 37-Karimnagar Constituency, has failed to lodge an account of his election expenses required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Amrutlal Shukla to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. AP-HP/37/67]

S.O. 2873.—Whereas the Election Commission is satisfied that Shri Churamandas Choudhary a contesting candidate for election to the House of the People from Sagar Parliamentary constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Churamandas Choudhary to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/24/67(1).]

S.O. 2874.—Whereas the Election Commission is satisfied that Shri Sundarlal Mandle a contesting candidate for election to the House of the People from Sagar Parliamentary constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder:

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sundarlal Mandle to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/24/67(2).]

S.O. 2875.—Whereas the Election Commission is satisfied that Shri Som Nath, Headmaster, Janta High School, Thathal, Tehsil Una, District Kangra, Himachal Pradesh, a contesting candidate for election to the House of People from Kangra constituency, has failed to lodge an account of his election expenses within time required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Som Nath to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HP-HP/4/67.]

S.O. 2876.—Whereas the Election Commission is satisfied that Shri B. R. Ganesh, 6-50 Yapral, Bollaram, a contesting candidate for election to the Andhra Pradesh House of the People from 36-Peddapalli constituency, has failed to lodge an account of his election expenses required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri B. R. Ganesh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/36/67(I).]

S.O. 2877.—Whereas the Election Commission is satisfied that Shri Palanivelu, C/o Mr. S. Jayavelu, 55-Mudfort, Secunderabad, a contesting candidate for election to the Andhra Pradesh House of the People from 36-Peddapalli constituency, has failed to lodge an account of his election expenses within time required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Palanivelu to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/36/67(II).]

By Order,

K. S. RAJAGOPALAN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 19th August 1967

S.O. 2878.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Manipur Employees (Revision of Pay) Rules, 1966.

2. These rules may be called the Manipur Employees (Revision of Pay) Rules 1967.

3. In Schedule to the Manipur Employees (Revision of Pay) Rules, 1966,

(i) Under the heading "Statistical Department" after item 10, the following entries shall be inserted under columns 1, 2, 3 and 4 respectively:—

"11. Draftsman. Rs. 150-7½-165-10-225. Rs. 200-12½-250-EB-12.50-275-15-350-EB-15-500. (For those who pass the Normal course in Arts and Crafts or for holders of diploma/certificate from a recognised Art Institution)."

(ii) Under the heading "Fisheries Department" after item 7, the following entries shall be inserted under columns 1, 2, 3 and 4 respectively:—

"8. Fishery Officer Rs. 175-15-265-EB-15-340-EB-20-500 plus House Rent allowance of Rs. 25/- p.m. Rs. 300-25-450-EB-30-600-EB-30-900."

"9. Fishery Inspector. Rs. 150-10-250-EB-10-300. Rs. 225-15-285-EB-15-360-EB-20-600."

"10. Fishery Extension Assistant. Rs. 150-10-250. Rs. 225-15-285-EB-15-360-EB-20-600."

(ii) Under the heading "Fisheries Department" after item 7, the following Item No. 2, the following entry shall be replaced for the existing entry:—

"For Bachelor's degree in Statistics/Economics/Mathematics or Commerce in case of direct recruits. Two advance increments for Class II Master's degree holders".

[No. 1/16/65-HMT.]

V. P. MALHOTRA, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 8th August 1967

S.O. 2879.—In exercise of the powers conferred by Section 3 read with Sections 4 and 5 of the Haj Committee Act, 1959 (51 of 1959), the Central Government hereby establishes a Committee by the name of Haj Committee consisting of the following members, namely:—

- | | |
|---|---|
| 1. The Collector of Customs, Bombay. | } Ex-Officio |
| 2. The Chairman, Port Trust, Bombay. | |
| 3. The Principal Officer, Mercantile Marine Department, Bombay. | |
| 4. The Commissioner of Police for Greater Bombay. | |
| 5. The Municipal Commissioner, Greater Bombay | |
| 6. The Port Health Officer, Bombay | |
| 7. Shri Ishaq Sambhali, M. P. | } Nominated by the Central Government |
| 8. Shri M. K. Kidwai | |
| 9. Shri Imteyazuddin Ahmad, M.P. | } Nominated by the Speaker of the House of the People. |
| 10. Shri Abdul Ghani Dar, M.P. | |
| 11. Shri Hayatullah Ansari, M.P. | } Nominated by the Chairman of the Council of States |
| 12. Shri Adamadil Usman Shaikh | |
| 13. Shri Abdur Rahman A. Gafoor Antula, M.L.A. | } Nominated by Speaker of the Maharashtra State Legislative Assembly. |
| 14. Shri Suleman Khan Abdulla-Khan Pathan, M. L. A. | |

15. Shri Mohiuddin Noor Mohamed Munshi
16. Shri Khatal Musa Phaniband

Nominated by State Govt. of Maharashtra on the recommendation of Muslim Members of Municipal Corporation of Greater Bombay.

2. The names of members to be co-opted under clause (1) of Sub-Section (1) of the said Section 4 will be notified later.

[No. M-II-1181(4)/67.]

T. T. P. ABDULLAH,

Director (Personnel & Haj Affairs).

विदेश मंत्रालय

नई दिल्ली, 8 अगस्त 1967

एस० नो० 2880.—हज समिति अधिनियम, 1959 (1959 का 51) की धारा 3, धारा 4 और 5 के साथ पठित, द्वारा प्रदत्त अधिकारों का उपयोग करते हुए केन्द्र सरकार इसके द्वारा एक समिति बनाती है जिसका नाम हज समिति होगा और जिसके सदस्य निम्नलिखित होंगे:—

- | | | |
|--|---|---|
| 1. सीमा शुल्क समाहर्ता, बंबई । | } | पदेन |
| 2. अध्यक्ष, पोर्ट ट्रस्ट, बंबई । | | |
| 3. मुख्य अधिकारी, मर्केन्टायल मेरीन डिपार्टमेंट, बंबई | | |
| 4. पुलिस कमिश्नर, बृहत्तर बंबई । | | |
| 5. म्यूनिसिपल कमिश्नर, बृहत्तर बंबई । | | |
| 6. पत्तन स्वास्थ्य अधिकारी, बंबई । | | |
| 7. श्री इशाक संभाली, एम० पी० | } | केन्द्र सरकार द्वारा नामजद |
| 8. श्री एम० के० किदवाई | | |
| 9. श्री इम्तियाजुद्दीन अहमद, एम० पी० | } | लोक सभा के अध्यक्ष द्वारा नामजद |
| 10. श्री अब्दुल गनी दर, एम० पी० | | |
| 11. श्री हयातुल्ला अमारी, एम० पी० | | राज्य परिषद् के अध्यक्ष द्वारा नामजद |
| 12. श्री आदमादिल उस्मान शेख | | महाराष्ट्र राज्य सरकार द्वारा नामजद |
| 13. श्री अब्दुररहमान ए० गफूर एन्दुले, एम० एल० ए० | } | महाराष्ट्र राज्य विधान सभा के अध्यक्ष द्वारा नामजद |
| 14. श्री सुलेमान खान अब्दुल्ला खान पठोन, एम० एल० ए० | | |
| 15. श्री मोहिउद्दीन नूर मोहम्मद मुंशी | } | बृहत्तर बंबई के म्यूनिसिपल कारपोरेशन के मुसलमान सदस्यों की सिफारिश पर महाराष्ट्र राज्य सरकार द्वारा नामजद । |
| 16. श्री खटल मूमा फनिबंद | | |

2. कथित धारा 4 उपधारा (1) के क्लोज (एल) के अंतर्गत सहबुत सदस्यों के नाम बाद में अधिसूचित कर दिए जाएंगे ।

[सं० एम II-1181(4) 67.]

टी० टी० पी० अब्दुल्ला, निदेशक ।

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 19th August 1967

S.O. 288J.—Whereas the Central Government is of opinion that the system of booking accommodation in pilgrim ships for Haj pilgrims specified in the Schedule annexed hereto should be enforced during the Haj season in 1968.

Now, therefore, in exercise of the powers conferred by Section 456 of the Merchant Shipping Act, 1958, the Central Government hereby exempts Messrs Mogul Line, Bombay and every other shipping company engaged in pilgrim traffic from Bombay to the Hejaz, from such provisions of the said Act and the Indian Pilgrim Ships Rules, 1933, as are not in conformity with the aforesaid system of booking accommodation in pilgrim ships carrying pilgrims from Bombay to Jeddah during the 1967-68 Haj.

THE SCHEDULE

System of Booking Accommodation at Bombay for Haj Pilgrims

1. *Schedule of sailings.*—Every shipping company shall announce a provisional schedule of outward sailings as soon as possible. Firm dates of sailings shall be advertised by the Shipping Company at least 15 days in advance as required under the provisions of the Merchant Shipping Act, 1958. The Penal provisions of the Merchant Shipping Act, 1958 shall operate with reference to the firm sailing dates as advertised.

2. *Advance reservation of passages.*—(i) Reservation lists for all sailings announced in the provisional schedule shall be opened by the Company simultaneously and intending pilgrims will have the option of availing passages in whatever ship they like. Such reservations shall be made only on payment of full passage money by the applicants (adults and children) for first and deck class (according to the details which may be specified in the announcement of the outward sailing programme of the Shipping Company) accompanied by applicants' full particulars with five copies of their photographs (in case of male applicant) out of which one will be pasted on the application for reservation of passages. When reservations of a particular ship are complete, the Shipping Company shall refuse to accept any further deposits for that particular ship.

(ii) A cabin class pilgrim may make an application for reservation of a deck passage for his servant, and may in genuine cases take any other servant than the one mentioned in the application.

3. *Waiting List.*—After reservations have been made to the full extent of the quota fixed by the Government, a Waiting List will be maintained upto 5 per cent of the quota.

4. *How to obtain tickets.*—All persons who may have made advance reservations of passage shall have to obtain their tickets at least 4 days before the sailing date. Such of the persons as fail to obtain tickets 4 days in advance shall be deemed to be not travelling in those ships. Passages not previously booked in particular ships or released by passengers who do not obtain their tickets 4 days in advance shall be offered to the persons in the waiting list strictly in accordance with the seniority of applications.

5. *Mode of remitting advance passage money.*—The passage money shall be sent in advance alongwith the applications for passages and shall, as a rule, be sent by bank drafts by the applicants under registered cover; but pilgrims residing in places where banking facilities are not available shall, as a special case, send the passage money by insured covers.

6. *Treatment of the advance fare when the passage is not availed of.*—When a person has reserved his passage, and does not intend to avail of the same and gives notice of his intention within the time limit notified by the Shipping Company then his advance passage fare shall be refunded in full.

(ii) In the case of a person who has reserved his passage but is prevented from availing of the same due to unforeseen circumstances such as death in the family, the passage fare may be refunded to him in full; any dispute that may arise shall be referred in the first instance to the Chairman, Haj Committee, Bombay, and if the Chairman's decision is not acceptable to the pilgrim concerned or to the Shipping Company, the Chairman shall refer the matter to the Presidency-Magistrate or the Magistrate of the first class exercising jurisdiction in the Port. The decision of the Magistrate shall be final and any amount allowed to him by such decision shall be refunded to him.

(iii) A person who has reserved his passage by a particular ship but is unable to avail of the same and desires to travel by a subsequent ship, may be given full credit in respect of his advance passage fare towards the cost of passage.

(iv) In all other cases where a person has reserved his passages but does not give timely notice as stated above, a deduction of 10 per cent will be made while refunding the amount paid by him.

(v) When a person who has got his name registered on the waiting list and is not offered any passage, the amount paid by him as deposit, shall be refunded to him in full.

7 *Scrutiny*.—The records of the Shipping Company in respect of reservation of passages as well as waiting lists shall be open to scrutiny by the Central Government, Chairman of the Haj Committee, Bombay, Executive Officer, Haj Committee, Bombay or 2 members of the Haj Committee, Bombay, nominated by the Chairman, or any officer or officers nominated by the Committee for this purpose.

[No. M II-1180(50)/67.]

R. K. MEHRA, Attache (AP).

विदेश मंत्रालय

नई दिल्ली, 19 अगस्त, 1967

एस० नो० 2882 चूक केन्द्र सरकार का विचार है कि 1968 में हज के दिनों में हज-यात्री-जहाजों में हज यात्रियों की जगह बुक कराने के लिये मलग्न अनुमूची में बताये गये तरीके का पालन किया जाना चाहिये।

इसलिये, अब व्यापारी जहाज अधिनियम, 1958 (मर्चेंट शिपिंग एक्ट, 1958) की धारा 456 के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करने दिये, केन्द्र सरकार इसके द्वारा सर्वश्री मंगल लाइन, बम्बई, को और बम्बई में हज यात्रियों को ले जाने का काम करने वाली प्रत्येक जहाजरानी कम्पनी को 1967-68 के लिये उक्त अधिनियम की ऐसी व्यवस्थाओं में और भारतीय यात्री जहाज नियम, 1933, में भी छूट देती है जो यात्रियों को बम्बई में जेड़ा ले जाने वाले यात्री जहाजों में जगह बुक कराने के उक्त तरीके से भूल नहीं खाती।

अनुमूची

बम्बई में हज यात्रियों के लिये जगह बुक करने का तरीका :

1. **जहाजों के छूटने का कार्यक्रम** — प्रत्येक कम्पनी जल्दी से जल्दी जब ही मकेगा अपने जाने वाले जहाजों का अस्थायी कार्यक्रम घोषित कर देगी। जहाजों के छूटने की ठीक-ठीक तारीखों की घोषणा जहाजरानी कम्पनी कम से कम 15 दिन पहले कर देगी जैसा कि व्यापारी जहाज अधिनियम, 1958 की व्यवस्थाओं के अन्तर्गत करना होता है। व्यापारी जहाजरानी अधिनियम, 1958 की दंडविषयक व्यवस्थाएँ जहाज छूटने की विज्ञापित पक्की तरीकों से लागू होगी।

2. **यात्रा के लिये अधिम प्रारक्षण** :—(i) कम्पनी, अस्थायी अनुमूची में घोषित सभी जाने वाले जहाजों में स्थान आरक्षित करने का काम एक साथ शुरू करेगी और यात्रियों को यह छूट रहेगी कि वे जिस जहाज में चाहे अपना स्थान आरक्षित करा ले। स्थान आरक्षित तभी कराया जा सकेगा जब कि प्रार्थी (वयस्क और बच्चे) पहले दर्जों और डेक दर्जों के लिये पूरा कराया पहले दे दें (उस व्योरे के अनुसार जो कि जहाजरानी कम्पनी के जाने वाले जहाजों के घोषित कार्यक्रम में बताया जा सकता है) और साथ में प्रार्थी अपना पूरा विवरण दें तथा अपने फोटोग्राफ की 5 प्रतियाँ भी (यदि प्रार्थी पुरुष है तो) जिनमें से एक प्रति जहाज में स्थान सुरक्षित कराने के लिये दी गई उसकी अर्जी पर चिपका दी जायेगी। जब किसी जहाज में सारे स्थान आरक्षित हो जायेंगे तब जहाजरानी कम्पनी उस जहाज विशेष के लिये और जमा लेने से इन्कार कर देगी।

(ii) केबिन दर्जे का यात्री अपने नौकर के लिये डैक दर्जे में स्थान आरक्षित कराने की अर्जी दे सकता है और यथार्थ मामलों में प्रार्थना-पत्र में बताया गये नौकर के स्थान पर अन्य नौकर को ले जा सकता है।

3. **प्रतीक्षक सूची** :—सरकार द्वारा नियत संख्या में स्थान आरक्षित हो जाने के पश्चात् इस संख्या के 5 प्रतिशत तक की एक प्रतीक्षक सूची तैयार की जायेगी।

4. **टिकट लेने का तरीका** :—जिन व्यक्तियों ने यात्रा के लिये अपने स्थान पहले ही से आरक्षित करा रखे हों उन्हें जहाज खाना होने से कम से कम चार दिन पहले अपने टिकट ले लेने चाहिये। जो पाँच चार दिन पहले अपने टिकट नहीं लेंगे उनके बारे में यह समझा जायेगा कि वे उस जहाज से यात्रा नहीं कर रहे हैं। विनिष्ट जहाजों में वे जो स्थान पहले से आरक्षित नहीं कराये गये होंगे या जो चार दिन पहले टिकट न लेने वाले यात्रियों के कारण खाली रह जायेंगे वे स्थान प्रतीक्षक सूची वालों की विणुद्धतः प्रार्थना-पत्रों की वरीयता के आधार पर दिये जायेंगे।

5. **यात्रा किराया भेजने का तरीका** :—यात्रा किराया स्थान आरक्षित कराने के प्रार्थना-पत्र के साथ पहले ही भेजी जायेगी और जैसा कि नियम है, प्रार्थी वह रकम रजिस्ट्री शुद्ध लिफाफे में बैंक ड्राफ्ट के रूप में भेजेंगे। किन्तु जो यात्री ऐसी जगहों पर रहते होंगे जहाँ बैंक सुविधा उपलब्ध नहीं है, वे एक विशेष मामले के रूप में बीमा शुद्ध लिफाफे में यात्रा किराया भेज सकते हैं।

6. **यात्रा न करने पर यात्रा के जमा किराये की वापसी** :—(i) जब कोई व्यक्ति अपनी यात्रा के निम्ने स्थान सुरक्षित कराने और जाना न चाहे तथा जहाजरानी कम्पनी द्वारा अधिसूचित समय में अपनी इस संज्ञा की सूचना दे दे तो उसका यात्रा किराया पूरा-पूरा लौटा दिया जायेगा।

(ii) अगर किसी व्यक्ति ने अपना स्थान सुरक्षित करा लिया हो और किसी दैवी कारण से जाने न पाये, जैसे परिवार में किसी की मृत्यु, तो जमा यात्रा किराया पूरा पूरा वापस किया जा सकता है। अगर कोई विवाद खड़ा हो तो वह पहले अध्यक्ष, हज समिति, बम्बई, के सामने पेश किया जायेगा और अगर संबद्ध यात्री को अथवा जहाजरानी कम्पनी को अध्यक्ष का निर्णय स्वीकार्य न हो तो अध्यक्ष मामले को प्रेसिडेंसी मजिस्ट्रेट को अथवा उस प्रथम श्रेणी के मजिस्ट्रेट को भेजेगा जिसके अधिकार-क्षेत्र में अन्दरगाह आता हो। मजिस्ट्रेट का निर्णय अन्तिम होगा, अपने फैसले में वह जो रकम नियत करेगा वह यात्री को वापस दी जायेगी।

(iii) अगर किसी व्यक्ति ने एक जहाज में अपने लिये स्थान आरक्षित कराया हो और उसमें न जाने पाये तथा बाद के जहाज से जाना चाहे तो उसका जमा यात्रा किराया पूरा-पूरा यात्रा खर्च में लगा लिया जाना चाहिये।

(iv) अन्य सब मामलों में, जबकि यात्री ने अपना स्थान आरक्षित करा लिया हो, किन्तु न जाने की सूचना समय से न दे, जैसा कि ऊपर बताया गया है, तो उसका धन उसे वापस करने समय 10 प्रतिशत की कटौती की जा सकती है।

(v) जिस व्यक्ति ने अपना नाम प्रतीक्षक सूची में लिखवा रखा हो और उसे जगह न मिल पाये तो उसने जो धन जमा कराया होगा वह पूरा उसे वापस कर दिया जायेगा।

7. **जांच** :—जहाजरानी कम्पनी के यात्रा के लिये स्थान आरक्षित कराने के रिकार्ड तथा प्रतीक्षक-सूचियों की जांच केन्द्र सरकार, हज समिति, बम्बई का अध्यक्ष, कार्यकारी अधिकारी, हज

समिति, बम्बई अथवा हज समिति, बम्बई के दो सदस्य, जो अध्यक्ष द्वारा नामजद किये जायेंगे, अथवा इस उद्देश्य के लिये समिति द्वारा नामजद कोई अधिकारी (एक या एक से अधिक) कर सकता है ।

[सं० एम II-118 0 (50)/67.]

आर० के० मेहरा,
सहचारी (ए पी)

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 10th August 1967

S.O. 2883.—In pursuance of clause (c) of sub-section (1) of Section 21, read with clause (b) of sub-section (2) and sub-section (3) of Section 25 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates the following persons to be members of the Bombay, Hyderabad and Kanpur Local Boards of the State Bank of India respectively:—

Bombay Local Board

Shri A. R. Bhat, President of the Federation of Small Industries Association, Poona in the vacancy caused by the resignation of Dr. Rustom Cavasjee Cooper.

Hyderabad Local Board

Shri R. L. Gupta, Principal, Administrative Staff College of India, Bella Vista, Hyderabad in the vacancy caused by the resignation of Shri Raja Ram Deo Rao.

Kanpur Local Board

Dr. P. K. Kelkar, Director, Indian Institute of Technology, Kanpur in the vacancy caused by the death of Shri H. K. Bhaumik.

[No. F. 8/40/67-SB.]

D. N. GHOSH, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 11th August 1967

S.O. 2884.—Statement of the Affairs of the Reserve Bank of India as on the 4th August 1967.

BANKING DEPARTMENT

| LIABILITIES | Rs. | ASSETS | Rs. |
|--|---------------|---|---------------|
| Capital Paid Up | 5,00,00,000 | Notes | 24,39,24,000 |
| | | Rupee Coin | 3,65,000 |
| Reserve Fund | 80,00,00,000 | Small Coin | 3,36,000 |
| National Agricultural Credit (Long Term Operations) Fund | 131,00,00,000 | Bills Purchased and Discounted :— | |
| | | (a) Internal | .. |
| | | (b) External | .. |
| | | (c) Government Treasury Bills | 225,35,44,000 |
| National Agricultural Credit (Stabilisation) Fund | 25,00,00,000 | Balances Held Abroad* | 27,81,30,000 |
| National Industrial Credit (Long Term Operations) Fund | 30,00,00,000 | Investments** | 341,50,58,000 |
| | | Loans and Advances to :— | |
| | | (i) Central Government | .. |
| | | (ii) State Governments @ | 52,14,13,000 |

| LIABILITIES | Rs. | ASSETS | Rs. |
|--|---------------------------------------|--|---------------------------------------|
| Deposits :— | | Loans and advances to :— | |
| (a) Government | | (i) Scheduled Commercial Banks† | 1,19,65,000 |
| (i) Central Government | 113,38,47,000 | (ii) State Co-operative Banks‡ | 142,61,91,000 |
| (ii) State Governments | 6,00,84,000 | (iii) Others | 2,72,35,000 |
| (b) Banks | | Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund:— | |
| (i) Scheduled Commercial Banks | 134,48,54,000 | (a) Loans and Advances to :— | |
| (ii) Scheduled State Co-operative Banks | 5,25,26,000 | (i) State Governments | 28,33,27,000 |
| (iii) Non-Scheduled State Co-operative Banks | 75,20,000 | (ii) State Co-operative Banks | 14,95,34,000 |
| (iv) Other Banks | 9,86,000 | (iii) Central Land Mortgage Banks | — |
| (c) Others | 320,17,33,000 | (b) Investment in Central Land Mortgage Bank Debentures | 7,49,91,000 |
| Bills Payable | 32,88,32,000 | Loans and Advances from National Agricultural Credit (Stabilisation) Fund:— | |
| Other Liabilities | 30,68,73,000 | Loans and Advances to State Co-operative Banks | 8,60,68,000 |
| | | Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:— | |
| | | (a) Loans and Advances to the Development Bank | 5,24,15,000 |
| | | (b) Investment in bonds/debentures issued by the Development Bank | — |
| | | Other Assets | 32,27,59,000 |
| | Rupees 914,72,55,000 | | Rupees 914,72,55,000 |

*Includes Cash and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. NIL advanced to scheduled commercial banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 9th day of August, 1967.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 4th day of August 1967.

ISSUE DEPARTMENT

| LIABILITIES | Rs. | Rs. | ASSETS | Rs. | Rs. |
|--------------------------------------|----------------|----------------|---|---------------|----------------|
| Notes held in the Banking Department | 24,39,24,000 | | Gold Coin and Bullion :— | | |
| Notes in circulation | 2970,90,66,000 | | (a) Held in India | 115,89,25,000 | |
| Total Notes issued | | 2995,29,90,000 | (b) Held outside India | | |
| | | | Foreign Securities | 166,42,00,000 | |
| | | | TOTAL | | 282,31,25,000 |
| | | | Rupee Coin | | 73,07,06,000 |
| | | | Government of India Rupee Securities | | 2639,91,59,000 |
| | | | Internal Bills of Exchange and other commercial paper | | |
| TOTAL LIABILITIES | | 2995,29,90,000 | TOTAL ASSETS | | 2995,29,90,000 |

Dated the 9th day of August 1967.

L. K. JHA,
Governor.

[No. F.3(3)-BC/67.]

New Delhi, the 16th August 1967

S.O. 2885.—In pursuance of Clause (a) of Section 45A of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby notifies for the purpose of the said clause 'Haryana Financial Corporation', 'Delhi Financial Corporation' and 'Himachal Pradesh Financial Corporation' governed by the State Financial Corporations Act, 1951.

[No. F. 4(31)-BC/67.]

New Delhi, the 17th August 1967

S.O. 2886.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Tanjore Permanent Bank Ltd., Tanjore, in respect of the property held by it at Cuddalore, till the 13th August 1968.

[No. F. 15(15)-BC/67.]

New Delhi, the 18th August 1967

S.O. 2887.—Statement of the Affairs of the Reserve Bank of India as on the 11th August, 1967.

BANKING DEPARTMENT

| LIABILITIES | Rs | ASSETS | Rs. |
|--|---------------|---------------------------------|---------------|
| Capital Paid Up | 5,00,00,000 | Notes | 30,08,70,000 |
| | | Rupee Coin | 3,43,000 |
| Reserve Fund | 80,00,00,000 | Small Coin | 3,83,000 |
| National Agricultural Credit (Long Term Operations) Fund | 131,00,00,000 | Bills Purchased and Discounted— | |
| | | (a) Internal | .. |
| | | (b) External | .. |
| National Agricultural Credit (Stabilisation) Fund | 25,00,00,000 | (c) Government Treasury Bills | 265,36,44,000 |
| | | Balances Held Abroad* | 22,10,48,000 |
| National Industrial Credit (Long Term Operations) Fund | 30,00,00,000 | Investments** | 310,94,28,000 |
| | | Loans and Advances to : | |
| | | (i) Central Government | .. |
| | | (ii) State Governments@ | 22,12,83,000 |
| Deposits— | | Loans and Advances to : — | |
| | | (i) Scheduled Commercial Banks† | 2,41,85,000 |
| (a) Government— | | (ii) State Co-operative Banks‡ | 146,44,34,000 |
| (i) Central Government | 87,09,31,000 | (iii) Others | 2,64,35,000 |

| LIABILITIES | Rs. | ASSET | Rs. |
|--|----------------------|---|----------------------|
| | | Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund | |
| (ii) State Governments | 14,20,33,000 | (a) Loans and Advances to : | |
| | | (i) State Governments | 28,32,66,000 |
| | | (ii) State Co-operative Banks | 14,86,60,000 |
| | | (iii) Central Land Mortgage Banks | |
| (b) Banks— | | (b) Investment in Central Land Mortgage Bank Debentures | 7,49,90,000 |
| (i) Scheduled Commercial Banks | 134,64,51,000 | Loans and Advances from National Agricultural Credit (Stabilisation) Fund— | |
| (ii) Scheduled State Co-operative Banks | 4,85,54,000 | Loans and Advances to State Co-operative Banks | 8,60,63,000 |
| (iii) Non-Scheduled State Co-operative Banks | 75,20,000 | | |
| (iv) Other Banks | 16,87,000 | Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund— | |
| (c) Others | 318,65,73,000 | (a) Loans and Advances to the Development Bank | 5,24,15,000 |
| Bills payable | 32,69,84,000 | (b) Investment in bonds/debentures issued by the Development Bank | .. |
| Other Liabilities | 34,22,74,000 | Other Assets | 31,55,60,000 |
| Rupees | 898,30,07,000 | Rupees | 898,30,07,000 |

*Includes Cash and Short-term Securities

**Excluding Investments from the National Agricultural Credit (Long Term Operation) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. NIL advanced to Scheduled Commercial Banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 16th day of August, 1967

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 11th day of August, 1967

ISSUE DEPARTMENT

| LIABILITIES | Rs. | Rs. | ASSETS | Rs. | Rs. |
|--|-----------------------|-----------------------|---|----------------------|-----------------------|
| Notes held in the Banking Department | 30,08,70,000 | | Gold Coin and Bullion :— | | |
| Notes in Circulation | <u>2995,13,67,000</u> | | (a) Held in India | 115,89,25,000 | |
| Total Notes issued | | 3025,22,37,000 | (b) Held outside India | | |
| | | | Foreign Securities | <u>166,42,00,000</u> | |
| | | | TOTAL | | 282,31,25,000 |
| | | | Rupee Coin | | 72,99,53,000 |
| | | | Government of India Rupee Securities | | 2669,91,59,000 |
| | | | Internal Bills of Exchange and other commercial paper | | |
| TOTAL LIABILITIES | | <u>3025,22,37,000</u> | TOTAL ASSETS | | <u>3025,22,37,000</u> |

Dated the 16th day of August, 1967.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/67]
V. SWAMINATHAN, Under Secy.

(Department of Revenue & Insurance)

New Delhi, the 26th August 1967

CUSTOMS

S.O. 2888.—In exercise of the powers conferred by clauses (b) and (c) of section 7 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following amendment to the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 13/F.No. 2/6/62-L.C.I. dated the 23rd January, 1965, namely:—

In the Table appended to the said notification, Serial No. 4 and the entries relating thereto shall be omitted.

[No. 89/F.No. 2/3/67-L.C.I.]

M. S. SUBRAMANYAM, Under Secy.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, M.P. AND VIDARBHA

(Central Excises)

Nagpur, the 9th August 1967

S.O. 2889.—In exercise of the powers conferred upon me under rule 5 of the Central Excise Rules, 1944 and in partial modification of this Collectorate Notification No. 2/1967 (Central Excises), dated the 25th April, 1967, I hereby empower the Central Excise Officers specified in Column 2 of the subjoined table to exercise within their jurisdiction the powers of the "Collector" under the Central Excise Rules enumerated in column 1 thereof subject to the limitations set out in column 3 of the said table.

TABLE

| Central Excise Rules | Rank of Officer | Limitations, if any |
|----------------------|---|---------------------|
| 1 | 2 | 3 |
| Rule 47 (4) | Junior (upgraded) Supdt., C. Ex., ; and Sr. Supdt. where no Jr. Supdt. incharge of any particular Range or factory. | Full powers. |
| Rule 53 | Junior (upgraded) Supdt., C. Ex.; and Sr. Supdt. where no Jr. Supdt. incharge of any particular Range or factory. | Full powers. |

[No. 5/1967.]

VIPIN MANEKLAL, Collector.

BOMBAY CENTRAL EXCISE COLLECTORATE

CENTRAL EXCISES

Bombay, the 14th August 1967

S.O. 2890.—In column 1 of the table sub-joined to this Collectorate Notification No. CER/5/2/67 dated the 25th April, 1967, the figure, '47' should be deleted, and in column No. 2 of the said table, for the words, "Asstt. Collector of Central Excise" the words "Junior (up graded) Superintendent of Central Excise" should be substituted.

[No. CER/5/5/67.]

A. K. ROY, Collector.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Indian Council of Agricultural Research)

New Delhi, the 16th August 1967

S.O. 2891.—In pursuance of Regulation 2(iv) of the Standing Finance Committee Regulations, 1940, the following members of the Governing Body of the Indian Council of Agricultural Research have been elected by that Body to be members of the Standing Finance Committee of the Council for a period of one year with effect from the 30th May, 1967, or till such time as their successors are duly elected by that Body, whichever is later:—

1. Shri P. S. Kapadia, Member, Khadi and Village Industries Commission, Bombay.
2. Shri Shantilal B. Pandya, President, India Crop Improvement and Certified Seed Producers' Association, Dohad (Gujarat).
3. Dr. M. D. Patel, Director, Institute of Agriculture, Anand.
4. Dr. J. S. Patel, Vice-Chancellor, Jawaharlal Nehru Krishi Vishwa Vidyalaya, Jabalpur.
5. Dr. N. K. Panikkar, Director, National Institute of Oceanography (Council of Scientific and Industrial Research), New Delhi.
6. Shri N. Narotham Reddy, Member, Rajya Sabha, Hyderabad.

[No 35(1)/67-CDN(I).]

R. B. JAIN, Under Secy.

खाद्य, कृषि, सामुदायिक विकास तथा सहकारी मंत्रालय

(भारतीय कृषि अनुसंधान परिषद्)

नई दिल्ली 16 अगस्त, 1967

एस० एच० 2892—स्थायी वित्त समिति विनियमावली, 1940 के विनियम 2 (4) का अनुसरण करते हुए भारतीय कृषि अनुसंधान परिषद् की शासी निकाय ने शासी निकाय के निम्नलिखित सदस्यों को परिषद् की स्थायी वित्त समिति का सदस्य, 30 मई, 1967 से एक वर्ष की अवधि के लिए अथवा उस निकाय द्वारा जब तक उनके उत्तराधिकारियों का निर्वाचन नहीं किया जाता, इन में से जो भी बाद में समाप्त हो, निर्वाचित कर लिया है :—

1. श्री पी० एस० कपाडिया, सदस्य, खादी तथा ग्रामोद्योग आयोग, बम्बई ।
2. श्री शान्तीलाल बी० पांड्या, अध्यक्ष, भारतीय फसल सुधार तथा प्रमाणित बीज उत्पादक संघ, दोहद (गुजरात) ।
3. डा० एम० डी० पटेल, निदेशक, कृषि संस्थान, अनन्द ।
4. डा० जे० एम० पटेल, उप-कुलपति, जवाहर लाल कृषि विश्वविद्यालय, जबलपुर ।
5. डा० एन० के० पाणिक्कर, निदेशक, राष्ट्रीय समुद्र-विज्ञान संस्थान (वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्, नई दिल्ली) ।
6. श्री एन० नरोथम रेड्डी, सदस्य, राज्य सभा, हैदराबाद ।

[सं० 35(1)/67-सीडीएन० (1)]

आर० बी० जैन, अवसर सचिव ।

(Department of Agriculture)

New Delhi, the 16th August 1967

S.O. 2893.—The following draft of Cumin Seeds Grading and Marking Rules, 1967 which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) and in supersession of the Cumin Grading and Marking Rules, 1964, is published as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 1st September, 1967.

Any objection or suggestion which may be received by the undersigned from any person with respect to the said draft before the aforesaid date will be considered by the Central Government.

Draft

1. Short title and application.—(1) These rules may be called the Cumin Seeds Grading and Marking Rules, 1967.

(2) They shall apply to Cumin Seeds produced in India.

2. Definition.—In these rules:—

(a) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India;

(b) "Cumin Seed" means *Cuminum cyninum* L., whether powdered or not;

(c) "Schedule" means a schedule appended to these rules;

(d) "Authorised Packer".—An authorised packer means any person or body of persons who have been issued a certificate of authorisation by the Agricultural Marketing Adviser to the Government of India authorising him or them to grade and mark Cumin Seeds under Agmark.

3. Grade Designation.—The grade designation to indicate the quality of, (i) Cumin Seeds (not powdered) shall be as set out in column 1 of Schedule II and (ii) Cumin Seeds (powdered) shall be as set out in Column 1 of Schedule III;

4. Definition of quality.—The characteristics of the quality indicated by the respective grade designations, (i) specified in column (1) of Schedule II shall be as set out against each grade designation in columns (2) to (7) of that Schedule, and (ii) specified in column (1) of Schedule III shall be as set out in column (2) to (5) of that schedule.

5. Grade designation marks.—(1) The grade designation mark in the case of Cumin Seeds (whole or powdered) packed in polythene or paper bags or both shall consist of a printed design incorporating the number of certificate of authorisation, the word 'Agmark' and the grade approved by the Agricultural Marketing Adviser to the Government of India. The design to be used for the purpose shall be got approved by the Agricultural Marketing Adviser before it is actually printed.

(2) The grade designation mark in the case of Cumin Seeds in powdered form packed in tins or glass containers shall consist of a paste-on label specifying the grade designation and with the word 'Agmark'.

(3) The grade designation mark in the case of Cumin Seeds (whole or powdered) packed in containers of Jute or Cloth as well as on containers in which sealed polythene or paper bags of graded Cumin Seeds (whole or powdered) are packed shall consist of a label specifying the grade designation and bearing the design (consisting of an outline map of India with the word 'Agmark' and the figure of a rising sun with the words 'Produce of India' and 'भारतीय उत्पाद' resembling the one as set out in Schedule I.

6. Method of Marketing.—(1) The grade designation mark shall be securely affixed to, or where under rule 5 it is allowed to be printed, shall be printed on each container in the manner approved by the Agricultural Marketing Adviser.

(2) The following particulars shall also be clearly and indelibly marked on each container, namely:—

- (i) date of packing in code or plain letters,
- (ii) lot number, and
- (iii) net weight.

(3) An authorised packer shall not affix or print any mark (including trade mark) on a container in which cumin seeds are packed which indicates or is likely to indicate a quality or grade different from that indicated by the grade designation mark of the article unless he obtains the previous approval of the Agricultural Marketing Adviser in this behalf.

7 Method of Packing.—(1) Only sound, clean and dry containers made of jute, cloth, paper or polythene, tin or glass shall be used for packing. They shall be free from any insect infestation or fungus contamination and also free from any undesirable smell.

(2) The containers shall be securely closed and sealed in a manner approved by the Agricultural Marketing Adviser to the Government of India.

(3) Each package shall contain Cumin Seeds, either whole or powdered, of one grade designation only.

8. Special conditions of Certificate of Authorisation.—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the following special conditions shall be observed by authorised packers to the satisfaction of the Agricultural Marketing Adviser to the Government of India, namely:—

(1) An authorised packer shall make such arrangements for testing Cumin Seeds as the Agricultural Marketing Adviser may specify by general or special orders from time to time.

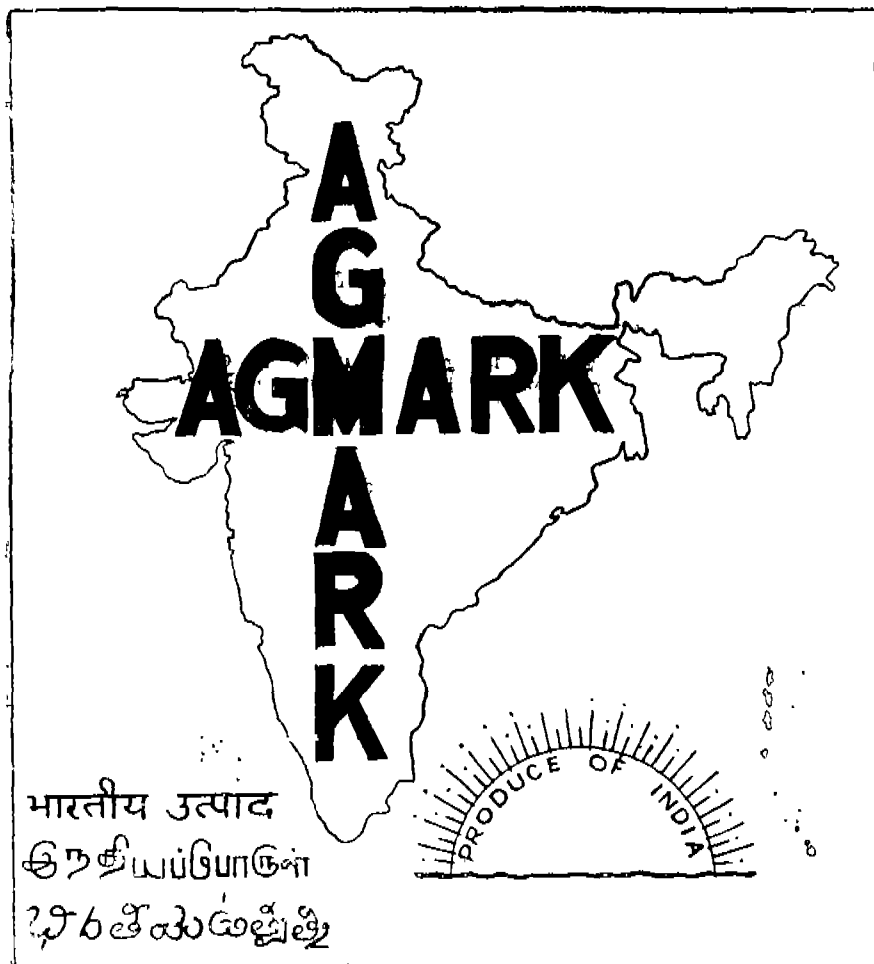
(2) An authorised packer shall provide such facilities as may be necessary to the Inspecting Officers, duly authorised by the Agricultural Marketing Adviser in this behalf to discharge their duties under these rules.

9. Application of Cumin Seeds Grading and Marking Rules, 1967.—These rules shall apply in addition to and not in derogation of the General Grading and Marking Rules, 1937.

10. Repeal and Savings.—The Cumin Seeds Grading and Marking Rules, 1964 are hereby rescinded without prejudice to the previous operation of the said rules or anything duly done or suffered thereunder.

SCHEDULE I

"Design for the Grade designation mark"



SCHEDULE III

(See rules 3 and 4)

Grade Designation and Definition of quality of Cumin Seeds
(Unpowered)

| Grade Designation | Special characteristics | | | | | General Characteristics |
|-------------------|-------------------------------|-------------------------|-------------------------------|---|---|---|
| | Extraneous matter % by wt. | Other seeds % by wt. | "Jeeralu" content % by wt. | Damaged discoloured and weevilled seeds % by wt. | Shrivelled and immature seeds % by wt. | |
| | Max. | Max. | Max. | Max. | Max. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 Cumin Special | 1.5 | 0.5 | 1.0 | 1.5 | 1.5 | (a) Cumin Seeds shall be dried fruit of the plant <i>cuminum</i> <i>Cuminum</i> . L. |
| 2 Cumin Good | 2.5 | 1.0 | 3.0 | 2.5 | 3.0 | (b) They shall have the characteristics shape, colour taste and aroma normal to the species. |
| 3 Cumin Fair . | 3.5 | 1.5 | 3.5 | 3.5 | 4.0 | (c) They shall be reasonably dry with moisture not exceeding 10% |
| 4 Cumin Average | 5.0 | .. | 5.0 | 5.0 | 5.0 | (d) They shall be free from visible mould or insect infestation and musty odour. They shall also be free from any harmful foreign matter. |

NOTE — "Extraneous matter" includes dirt, dust, stone pieces, stalks, stem or straw or any other impurity.

"Other Seeds" include seeds other than that of Cumin.

"Damaged and Discoloured Seeds" are those seeds that are internally damaged and discoloured, damage and discolouration materially affecting the quality.

"Weevilled Seeds" are those seeds that are partially or wholly bored or eaten by weevil or other insects.

"Shrivelled and Immature Seeds" are those seeds that are not properly developed.

SCHEDULE III

(See rules 3 and 4)

Grade designations and definitions of quality of cumin seeds (powdered)

| Grade : Designation | Definition of Quality | | | General Characteristics |
|---------------------|------------------------------|-------------------------------|--|---|
| | Special | Characteristics | | |
| | Moisture % by wt. max. | Total ash % by wt. max. | Acid in o- luble ash % by wt. max | |
| I | 2 | 3 | 4 | 5 |
| Standard | 12.0 | 8.0 | 1.5 | Cumin seed (powdered) shall be the material obtained by grinding dried cumin seed, whole. It shall be free from admixture, from mould growth, insect infestation or musty odour. It should be free from coarse particles and ground to such a fineness that the whole of it passes through a 500 microns sieve. |
| General | 12.0 | 9.5 | 1.5 | |

[No. F. 13-16/67-AM.]

S.O. 2894.—The following draft of certain rules further to amend the Coriander Grading and Marking Rules, 1964, which the Central Government proposes to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) are published, as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th September, 1967.

Any objections or suggestions which may be received from any person with respect to the said draft before the date aforesaid, will be considered by the Central Government.

DRAFT RULES

1. These rules may be called the Coriander Grading and Marking (Amendment) Rules, 1967.

2. In the Coriander Grading and Marking Rules, 1964,

(i) for rules 5 and 6 the following rules shall be substituted, namely:—

"5. *Grade designation marks*:—(1) The grade designation mark in the case of Coriander (whole and Powder) packed in polythene or paper bags shall consist of a design incorporating the number of the Certificate of Authorisation the word 'Agmark' and the grade approved by the Agricultural Marketing Adviser to the Government of India.

(2) The grade designation mark in the case of Coriander powder packed in tin or glass containers shall consist of a paste-on label specifying the grade designation and bearing the design of a map of India with the word 'Agmark'.

(3) The grade designation mark in the case of Coriander (whole and Powder) packed in containers of Jute or Cloth as also in containers in which sealed polythene bags of graded Coriander (Whole and Powder) are packed shall consist of a label specifying the grade designation and bearing a design (consisting of an

outline map of India with the work), 'Agmark' and the figure of the rising sun, with the words 'Produce of India' and 'भारतीय उत्पाद' resembling the one as set out in Schedule I.

6. *Method of Marking*.—(1) The grade designation mark shall be securely affixed to or printed on each container in a manner approved by the Agricultural Marketing Adviser.

(2) In addition to the above, the following particulars shall also be clearly and indelibly marked on each container—

- (a) Date of packing in code or plain letters.
- (b) Lot number, and
- (c) Net weight.

(3) An authorised packer may, after obtaining the prior approval of the Agricultural Marketing Adviser, mark his private trade mark on a container in a manner approved by the said officer, provided the private trade mark does not represent a quality or grade different from that indicated by the grade designation mark affixed to or printed on the container in accordance with these rules."

[No. F.13-22/67-AM.I]

E. K. BALASUNDARAM, Under Secy.

MINISTRY OF COMMERCE

COFFEE CONTROL

New Delhi, the 16th August 1967

S.O. 2895.—In pursuance of clause (a) of sub-section (2) of Section (4) of the Coffee Act 1942 (7 of 1942), the Central Government hereby appoints Shri G. Mathias, Additional Deputy Comptroller and Auditor General, New Delhi, as Chairman, Coffee Board, Bangalore, with effect from the afternoon of the 31st July, 1967 and upto the 14th November, 1968.

[No. 9(12)Plant(B)67.]

S.O. 2896.—In pursuance of clause (a) of sub-section (2) of section 4 of the Coffee Act, 1942 (7 of 1942), the Central Government were pleased to appoint Shri D. Balagopalan, Chief Coffee Marketing Officer in the Coffee Board, to perform the duties of the Chairman of the Coffee Board in addition to his duties as Chief Coffee Marketing Officer from the 30th June, 1967 (afternoon) to the 31st July, 1967.

[No. 9(2)Plant(B)/65.]

B. KRISHNAMURTHY, Under Secy.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 11th August 1967

S.O. 2897.—A licence No. P/AD/2010338/C/YG dated 24th August, 1966 for a value of Rs. 34,45,848/ for the import of "20 Agricultural Crawler Tractors model TC-90 and Cable Control Tiltangle Dozer and Standard spare parts [S. No. 65(4) (viii)(d)/V of the I.T.C. Schedule]" which had already landed at the port of Calcutta in January, 1966, was issued to M/s Eastern Associates Co., New Delhi, on 24th August 1966. Thereafter a show-cause notice No. RP/Yug-35/63-64/RM Cell/620-623 dated 6th July 1967, was issued asking them to show cause within 15 days of the date of receipt of the notice as to why the said licence in their favour should not be cancelled under clause 9(a) on the ground that the same had been issued inadvertently;

In response to the aforesaid show-cause notice, Messrs. Eastern Associates Co. had asked for a personal hearing with the undersigned which was given to them on 28th July 1967, when they represented and thereafter confirmed in writing under their letter No. B:5:D-1 dated 31st July 1967 that, briefly put:—

- (a) they had made firm commitments with the foreign suppliers namely M/s Rudnap who have since terminated their original contract for

- sale of the said tractors in favour of M/s Mohanwl Corpn. Pvt. Ltd., New Delhi;
- (b) their present contract with the suppliers is irrevocable;
- (c) they have already filed the valid documents of import relating to the consignment landed at the Port of Calcutta, as negotiated by the Bankers of the suppliers in their favour, with the Customs authorities;
- (d) that in case the licence in question had been issued inadvertently, the same should be rectified and a fresh licence issued in their favour; and
- (e) that they have already made further commitments with certain State Governments for sale of the imported tractors.

The undersigned has carefully examined the above representations and have come to the conclusion that in respect of their alleged commitment with the foreign suppliers being irrevocable, the same cannot be accepted being not conclusively proved by them and the other contentions pleaded by them are irrelevant to the question of cancellation of the licence. I am also satisfied that the licence in question should not have been issued and hence issued inadvertently when another licence issued to a different party was in force and was not cancelled. Therefore, I the under signed, P. C. Verma, Dy. Chief Controller of Imports and Exports, in exercise of the powers under clause 9 of the Imports (Control) Order, 1955, hereby cancel the licence No. P/AD/2010338/C/YG/ dated 24th August 1966 for Rs. 34,45,848 issued in favour of M/s. Estern Associates Company, New Delhi.

[No. RP/Yug-35/63-64/RM Cell.]

P. C. VERMA,
Dy. Chief Controller of Imports and Exports.

To

M/s. Eastern Associates Co., 21-A, Janpath,
New Delhi.

(Office of the Chief Controller of Imports & Exports)

ORDER

New Delhi, the 19th August 1967

S.O. 2898.—M/s. Shri Ram Vinyl & Chemical Industries Shrirampur, Kota (Rajasthan) were granted Import Licence No. P/NA/AU/1249601/C/XX/23/C/H/21-22 dated 1st June, 1966 for Rs. 5,20,429 Pre-devaluation (Rupees Five Lakhs Twenty Nine Thousand Four Hundred and Twenty Nine only) for the import of machinery and equipment for manufacture of P.V.C. resin etc. They have applied for issue of duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy has been lost/misplaced. It is further stated that the original Customs Purposes copy was registered with the Bombay (Customs House) and utilized partly. It was utilized for Rs. 6,99,932 (post de-valuation) and the balance available on it was Rs. 1,33,918 (post de-valuation).

2. In support of this contention, the applicant has filed an affidavit. I am accordingly satisfied that the original Customs Purposes copy of the said licence has been lost. Therefore, in exercise of the powers conferred under Sub-clause 9(cc) of the Imports (Control) Order 1955 dated 7th December, 1955 (as amended) the original Customs Purposes copy of the licence No. P/NA/AU/1249601/C/XX/23/C/H/21-22 dated 1st June, 1966 issued to M/s. Shri Ram Vinyl and Chemical Industries, Shrirampur, Kota (Rajasthan) is hereby cancelled.

3. A duplicate Customs Purposes Copy of the said licence is being issued separately to the licensee.

[No. NDRS/S-67/65-66/2532.]

Y. J. DENNISON,
Deputy Chief Controller of Imports and Exports.

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION**(Department of Labour and Employment)***New Delhi, the 8th August 1967*

S.O. 2899.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Associated Cement Companies at Balasinor, District Kaira, and their workmen which was received by the Central Government on the 27th July, 1967.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
BOMBAY**

REFERENCE No. CGIT-7 OF 1967

Employers in relation to the Quarry of the Associated Cement Cos. Ltd.,
at Balasinor, District Kaira

AND

Their Workmen.

PRESENT:

Shri. Salim M. Merchant,—Presiding Officer.

Dated at Bombay this the 22nd day of July 1967.

STATE: Gujarat.

INDUSTRY: Cement.

AWARD

The Central Government by the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) Order No. 36/1/66-LRI dated 23rd March 1967, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the parties above-named in respect of the subject matters specified in the schedule to the said order to me for adjudication.

Thereafter, notices were issued by this Tribunal on the parties to file their written statements, but no written statements were filed by either party. By letter dated 5th July 1967, the Associated Cement Cos. Ltd., Sevalia Cement Works informed this Tribunal that a settlement had been signed between the parties on 3rd July 1967 copy of which together with copies of two earlier settlements dated 23rd June 1967 and 26th June 1967, were also enclosed, and the parties prayed that an Award be made in terms of the said settlements. Copies of the said settlement are annexed hereto and marked Annexure 'A'.

As it appears that the settlement are, in the facts and circumstances of the case, fair and reasonable, I make an Award in terms thereof.

No order as to costs.

(Sd.) SALIM M. MERCHANT,
Presiding Officer.

ANNEXURE 'A'

**BEFORE SHRI SALIM M. MERCHANT, PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY**

REFERENCE No. CGIT 7 OF 1967

BETWEEN:

The Associated Cement Companies Limited, Limestone Quarries, Balasinor,
District: Kaira,

AND

The workmen employed by it.

May it Please the Hon'ble Tribunal:

The Associated Cement Companies Ltd., Sevalia Cement Works Limestone Quarries, Balasinor (hereinafter referred to as 'the Company') and its Workmen.

as represented by the A.C.C. Quarry Workers' Union, Balasinor, (hereinafter referred to as 'the Union') have arrived at the following settlement and pray that this Hon'ble Tribunal may be pleased to make the Award in terms of the Settlement.

| Demand No. | Demand | Terms of Settlement |
|------------|---|---|
| 1 | <p>Whether the workmen of the following categories who are required to work in the open should be provided with a woollen jersey during the Winter Season.</p> <p>(i) Dumper Driver, (ii) Shovel Driver, (iii) Tractor Driver, (iv) Motor Driver, (v) Yard Master, (vi) Overman, (vii) Pointsman, (viii) Bulldozer Driver, (ix) Diesel Loco Driver, (x) Helpers working in the night shift on Shovels, Dumpers, Bulldozers, etc. (xi) Fitters working in the night shift.</p> | <p>A Settlement has been reached on 26th June 1967 between the Company and the Workmen represented by the Recognised Unions through India National Cement Worker's Federation, in respect of provision of woollen jerseys to certain categories of workmen. The A.C.C. Quarry Workers' Union, Balasinor, is also a party to this Settlement. The main terms of this Settlement are as under:</p> <p>"Woollen jerseys shall be supplied to the category of workmen listed below at Kymore, Bhupendra, Lakheri, Banamor, Sindri, Chaibasa, Khalari, and Balasinor Quarries, one in every three years.</p> <ol style="list-style-type: none"> 1. Euclid Drivers, 2. Dumper Drivers, 3. Shovel Drivers, 4. Bulldozer Drivers, 5. Tractor Drivers (Quarry), 6. Pointsman, 7. Diesel Loco Driver, 8. Petrol Trolley Driver at Balasinor. <p>A copy of the settlement is attached hereto. In view of this Settlement, the Union agrees to withdraw this demand.</p> |
| 2 | <p>Whether the workmen should be allowed to accumulate sick leave with pay up to 45 days and if so, with effect from which date?</p> | <p>A Settlement has been reached on 23rd June, 1967 between the Company and the workmen represented by the Recognised Unions, through Indian National Cement Worker's Federation, in respect of accumulation of sick leave. The A. C. C. Quarry Workers' Union, Balasinor, is also a party to this Settlement. The main terms of this settlement are as follows:</p> <ol style="list-style-type: none"> 1. The Company agrees that sick leave shall be allowed to be accumulated for 6 years. 2. If at the time of death, or retirement any sick leave remains unavailed of, it shall be encashable the rate of 50% of basic wages/salary and D.A. drawn prior to retirement or death of the employee. 3. This Settlement applies to both monthly rated as well as daily rated workmen. 4. Accumulation of sick leave will come into force from 1st January 1967. <p>In view of this Settlement, the Union agrees to withdraw this demand. A copy of the Settlement dated 23-6-1967 is attached hereto.</p> |

| Demand No. | Demand | Terms of Settlement |
|------------|--|--|
| 3 | Whether Shrimati Narnadaben working in the dispensary of the Quarry as a helper should be provided with two sets of clothes, consisting of 2 white saris, 2 white blouses and 2 petticoats, in a year for the performance of her duties? | The Union agrees to withdraw this demand since Smt. Narnadaben expired on 29-4-1966. |
| 4 | Whether the demand of the Union that Shri Nathalal Soma, T. No. 25, be posted as Sarang, <i>vice</i> Shri Lalbhai Jiva, retired is justified? | Since Shri Nathalal Soma, T. No. 125 who was 'B' Grade Khalasi has been promoted as 'A' Grade Khalasi with effect from 1-1-1967, the Union does not press this demand. |

Dated at Sevalia, this 3rd day of July 1967.

For and on behalf of the Workmen
of the Sevalia Cement Works Lime-
stone Quarries, Balsinor.

(Sd.) B. C. SHAH,
General Secretary.

ACC Quarry Workers' Union, Balasinor.

Witnesses

1. (Sd.) PETER M. PARMAR,
Secretary.
ACC Quarry Workers' Union.
2. (Sd.) Illegible.

For and on behalf of the Associated
Cement Cos. Ltd., Sevalia Cement
Works Limestone Quarries,
Balasinor.

(Sd.) M. P. MEHTA,
Agent.

Witnesses:

1. (Sd.) P. S. LIMAYE.
2. (Sd.) S. R. Adhwalpalkar.
1. (Sd.) S. R. ADHWALPALKAR.

SETTLEMENT UNDER SECTION 2(p), 18(1) and 19 OF THE INDUSTRIAL
DISPUTES ACT, 1947, AS AMENDED UP TO DATE

NAMES OF PARTIES:

- (1) The Associated Cement Companies Limited, Bombay.

Represented by:

Mr. P. K. Mistry, Managing Director,
Mr. K. R. Coorlawala, Director.
Mr. J. P. Munsiff, General Manager, Operations Division.
Mr. R. H. Ranga Rau, Labour Relations Adviser.
Mr. S. T. Edward, Senior Labour Relations Officer.
Mr. K. B. Sengupta, Senior Officer.
Mr. M. S. Kapur, Personnel Officer.

AND

- (2) The Workmen employed by the Associated Cement Companies Limited, at their various factories:

Represented by:

1. Kymore Cement Mazdoor Congress, Kymore;
2. Kymore Quarry Karmachari Sangh, Kymore;
3. Lakheri Cement Kamgar Sangh, Lakheri;
4. Cement Kamdar Mandal, Porbandar;

5. Dwarka Cement Works Employees' Union, Dwarka;
6. Sevalia Cement Workers' Union, Sevalia;
7. Cement Factory Mazdoor Panchayat, Katni;
8. Chaibasa Cement Workers' Union, Jhinkpani;
9. Cement Factory Workers' Union, Sindri;
10. Khalari Cement Workers' Union, Khalari;
11. Mancheria Cement Works Employees' Union, Mancheria;
12. Sitarampuram Mines Employees' National Union, Piduguralla;
13. Cement Factory Mazdoor Sangh, Banmor;
14. Malla Quarry Workers' Union, Malla;
15. A.C.C. Quarry Workers' Union, Balasinor.

Through:

The Indian National Cement Workers' Federation.

Short Recital of the Case

Whereas the parties desire to settle certain demands by agreement;

And whereas in pursuance of the aim and desire of the workmen represented by the Unions listed above, they have authorised the signatories to negotiate and conclude through the Indian National Cement Workers' Federation, a settlement;

Now therefore in pursuance of the above consideration and realising the advantages of settlement for the workers and the Company, the workmen and the Company enter into the following Settlement:—

Settlement

1.0. Accumulation of Sick Leave:

1.1. The parties agree that sick leave for 6 years will be allowed to be accumulated. If at the time of death or retirement any sick leave remains unavailed of, it shall be encashable at the rate of 50% of basic wage/salary and dearness allowance drawn prior to retirement or death of the employee. This applies both to monthly rated as well as daily-rated workmen. This Settlement is in respect of accumulation of sick leave only and will not in any way prejudice any other aspect of sick leave.

1.2. The accumulation of sick leave will come into force with effect from 1st January 1967.

2.0. Special Equipment Allowance:

2.1. The parties agree that Special Equipment Allowance shall be paid to Operators at the rate specified on the day they perform work on any of the equipments mentioned below:

Capacity

- | | |
|--|---------------------------------------|
| 1. Shovels, Drag-lines, Clam-shell. | 3-4 C. yard capacity and above |
| 2. Gantry Crane. | |
| 3. Mobile. | Lifting capacity 15 tonnes and above. |
| 4. Bulldozers Angledozer. | 100 H.P. and above. |
| 5. Traxcavators, Draglines, Pay-loaders. | 1½ c. yard capacity and above. |
| 6. Scrapers | 1½ c. yard and above. |
| 7. Dumpers used in quarrying operation. | 10 tonne capacity and above. |
| 8. Joy Blast Hole Drills. | 6" dia and above. |

Special Equipment Allowance will be paid at the rate of:—

- | | | |
|---------|----|-------------------|
| A Grade | .. | 35 Paise per day. |
| B Grade | .. | 25 Paise per day. |
| C Grade | .. | 15 Paise per day. |

2.2. The operators working on any of the above types of equipments but of lesser capacity than described in Column 2 above will be paid an allowance at the rate of:—

| | | |
|---------|----|-------------------|
| A Grade | .. | 20 Paise per day. |
| B Grade | .. | 15 Paise per day. |
| C Grade | .. | 10 Paise per day |

2.3. It is further agreed that the workmen operating on any of the following equipment shall be paid allowance shown below:—

Truck Drivers

Tractor Drivers

Drivers employed on Amenity Buses

Helco Drill Operators

Allowance:

| | | |
|---------|----|-------------------|
| A Grade | .. | 20 Paise per day. |
| B Grade | .. | 15 Paise per day. |
| C Grade | .. | 10 Paise per day |

2.4. The above allowance shall be paid with effect from 1st July 1967.

3.0. This Settlement will come into immediate effect and will remain in force for a period of 3 years and shall continue even thereafter until terminated by either party. The party desiring to terminate the Settlement shall be required to give two months' notice in writing to the other party and the Settlement shall be deemed to be in operation until expiration of such notice.

3.1. During the period of this Settlement, no dispute shall be raised or demand made on subjects covered by this Settlement and the Company shall not reduce the benefits thereof.

4.0. One copy of this Settlement will be sent to all the concerned Labour Authorities of the Central and the State Governments.

Dated at Bombay this Twentythird day of June 1967.

For & on behalf of the Associated
Cement Companies Ltd.

For & on behalf of the Indian
National Cement Workers'
Federation (authorised by
the Unions listed above):

(Sd.) K. R. COORLAWALA.

(Sd.) H. N. Trivedi
(Sd.) D. D. Khoda
(Sd.) A. A. Maradia
(Sd.) S. M. Solanki
(Sd.) Vishwanath Prasad.
(Sd.) R. K. Sharma
(Sd.) M. Ameeruddin
(Sd.) J. P. Verma
(Sd.) Shaikh Ahmed
(Sd.) Emanuel
(Sd.) Raghunathan
(Sd.) Jhunilal Gupta
(Sd.) T. S. Baduria
(Sd.) A. K. Roy
(Sd.) Lakhanlal
(Sd.) Jagjit Singh Chugha

Witnesses:

1. (Sd.) R. H. RANGA RAU
2. (Sd.) M. S. KAPUR

Witnesses:

1. (Sd.) C. JANKIRAM
2. (Sd.) OMPRAKASH

**SETTLEMENT UNDER SECTION 2(p), 18(1) and 19 OF THE INDUSTRIAL
DISPUTES ACT, 1947, AS AMENDED UP TO DATE**

NAMES OF PARTIES:

(1) The Associated Cement Companies Limited, Bombay.

Represented by:

Mr. P. K. Mistry, Managing Director,
Mr. K. R. Coorlawala, Director.
Mr. J. P. Munsiff, General Manager, Operations Division.
Mr. R. H. Ranga Rau, Labour Relations Adviser
Mr. S. T. Edward, Senior Labour Relations Officer,
Mr. K. B. Sengupta, Senior Officer.
Mr. M. S. Kapur, Personnel Officer.

AND

(2) The Workmen employed by the Associated Cement Companies Limited, at their various factories:

Represented by:

1. Kymore Cement Mazdoor Congress, Kymore,
2. Kymore Quarry Karmachari Sangh, Kymore;
3. Lakheri Cement Kamgar Sangh, Lakheri;
4. Cement Kamdar Mandal, Porbandar;
5. Dwarka Cement Works Employees' Union, Dwarka,
6. Sevalia Cement Workers' Union, Sevalia;
7. Cement Factory Mazdoor Panchayat, Katni;
8. Chaibasa Cement Workers' Union, Jhinkpani;
9. Cement Factory Workers' Union, Sindri;
10. Khalari Cement Workers' Union, Khalari;
11. Mancheria Cement Works Employees' Union, Mancheria;
12. Sitarampuram Mines Employees' National Union, Piduguralla;
13. Cement Factory Mazdoor Sangh, Banmor;
14. Malla Quarry Workers' Union, Malla;
15. A.C.C. Quarry Workers' Union, Balasinor.

Through:

The Indian National Cement Workers' Federation,

Short Recital of the Case

Whereas the parties desire to settle certain demands by agreement;

And whereas in pursuance of the aim and desire of the workmen represented by the Unions listed above, they have authorised the signatories to negotiate and conclude through the Indian National Cement Workers' Federation, a settlement;

Now therefore in pursuance of the above consideration and realising the advantages of settlement for the workers and the Company, the workmen and the Company enter into the following Settlement:—

*Settlement**1.0. Uniforms, Protective Equipment etc.:*

1.1. The parties agree to the provision of uniforms as per list annexed hereto and marked as Annexure 1. It is further agreed that where any demands, conciliation and adjudications regarding uniforms are pending, where the workmen herein are parties, these will be withdrawn.

1.2. It is also agreed that such of the workmen, outside the Annexure 1 who are getting uniforms at present will continue to get the same during their service period as personal to them.

13 It is also agreed that such of the categories, outside Annexure 1 and outside the existing standard list, annexed and marked as Annexure II who are getting jersey chappals shoes gumboots raincoat umbrella and protection equipment will continue to get the same for the present, but this aspect will be subject to review after a period of two years from date

14 Only permanent workers in the categories listed in the Annexures will be entitled to these uniforms, etc listed in the Annexures

15 Wherever aprons and boiler suits are indicated workers will have option to have pants and shirts

16 The settlement on this issue will come into effect at the time of next supply of the uniforms immediately hereafter and not later than September 1967 to new categories under this Settlement.

20 One copy of this Settlement will be sent to all the concerned Labour Authorities of the Central and the State Governments.

Dated at Bombay this Twentysixth day of June 1967

For & on behalf of the Associated
Cement Companies Ltd

For & on behalf of the Indian
National Cement Workers'
Federation (authorised by
the Unions listed above).

(Sd)

(Sd)
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Witnesses

1. (Sd)

2. (Sd)

Witnesses

1 (Sd)

2 (Sd)

Uniforms/Protective Clothing applicable to the Various Categories of Workers

| Category | Items | Qty | How often |
|---|---------------|--------|-----------|
| 1. Issuers/Tally Checkers/Mazdoors, whose duty is always to issue oils, greases & tools | Shirt Pant | 2 2 | Yearly |
| 2. Boiler Attendants | Boiler Suit | 2 | Do |
| 3. Turbine Attndt | Pant Shirt | 2 2 | Do. |
| 4. Boiler House Fireman | Pant Shirt | 2 2 | Do. |
| 5. Machinery Attndt working on moving machines | Pant Shirt | 2 | Do |
| 6. Pump Attndt | Do. | Do. | Do. |
| 7. Greasers | Do. | Do. | Do. |
| 8. Pointsmen | Do. | Do. | Do. |

| Category. | Items. | Qty. | How often. |
|---|---------------------------------|------|------------|
| 9. Miller. | Shirt | 2 | Yearly |
| 10. Bags Branding Mazdoors. | Do. | Do. | Do. |
| 11. Moulder. | Do. | Do. | Do. |
| 12. Asst. Moulder. | Do. | Do. | Do. |
| 13. Furnace Attdt. | Boiler Suit | 2 | Do. |
| 14. Painter/Asst. Painter | Shirt | 2 | Do. |
| | Pant | 2 | |
| 15. Diesel Loco Driver | Do. | Do. | Do. |
| 16. Steam Loco Driver | Boiler Suit | Do. | Do. |
| 17. Loco Fireman (Steam) | Do. | Do. | Do. |
| 18. Packers | Shirt | 2 | Do. |
| | Pant | 2 | |
| 19. Mazdoors working in Packing Plant as Loaders, screens, check weighment, and cleaning. | Do. | Do. | Do. |
| 20. Canteen Boys/Vendors/Cleaners. | Do. | Do. | Do. |
| 21. Motor Lorry/Truck Drivers | Do. | Do. | Do. |
| 22. Sweepers | Pant | 2 | Do. |
| | Shirt (half sleeve) | 2 | |
| 23. Female Sweepers | Saree | 2 | Do. |
| | Blouse | 2 | |
| 24. Peons/Chaprasis | Pant | 2 | Do. |
| | Closed Coat. | 2 | |
| 25. Tally Checker working in Packing Plant. | Pant | 2 | Yearly |
| | Shirt | 2 | |
| 26. Motor Mechanic | Overall | 2 | Do. |
| 27. Cooks in Canteen | Pant | 2 | Do. |
| | Shirt | 2 | |
| 28. Watch & Ward Supervisor & Watchmen | As per Company's Standard List. | | |
| 29. Dressers | Pant | 2 | Do. |
| | Shirt | 2 | |
| 30. Ayas/Nurse | As per Company's Standard List. | | |
| 31. Stitchers working in Packing House. | Pant | 2 | Yearly |
| | Shirt | 2 | |
| 32. Welder/Asst. Welder. | Pant | 2 | Do. |
| | Shirt | 2 | |
| 33. Blacksmith | Boiler Suit | 2 | Do. |
| 34. Hammerman | Do. | Do. | Do. |
| 35. Crusher Attdt/Asst. Crusher Attdt/and Mazdoors working inside the Crusher House | Do. | Do. | Do. |
| 36. Moulding Shop Mazdoors. | Do. | Do. | Do. |
| 37. Stone, Coal & Gypsum Crusher Mazdoors. | Pant | 2 | Do. |
| | Shirt | 2 | |
| 38. Motor & Lorry Cleaners. | Do. | Do. | Do. |
| 39. Fitters/Asstt. Fitters. | Boiler Suit. | 2 | Do. |
| 40. Ropeway Lineman | Pant | 2 | Do. |
| | Shirt | 2 | |
| 41. Overhead Crane Operator | Do. | Do. | Do. |
| 42. Turners/Asst. Turners/ Machinist Driller (Workshop)/Machine Tool-operator. | Do. | Do. | Do. |

| Category | Items | Qty. | How often |
|---|--|--------|------------|
| 43. Mazdoors/Helpers working in Kiln including Jamman, Coal Mill, Cement Mill, Raw Mill, Motor Garage, attached to maintenance, Coal unloading Mazdoors, Gypsum unloading, Electric, and Diesel Sections. | Overall . . . | 2 | Yearly. |
| 44. Persons engaged on bringing samples (Laboratory Dept.). | Pant . . . Shirt . . . | 2 2 | Do. |
| 45. Permanent Khalasis on maintenance muster including Diesel Section, Coal Mill, Raw Mill, Cement Mill and Crusher. | Pant . . . Shirt . . . | 2 2 | Do. Do. |
| 46. Mates/Mistry in Packing Plant. | Do. | Do. | Do. |
| 47. Mazdoors/Helper in Gas Producer Plant who are directly connected with the coal gas at Katni. | Do. | Do. | Do. |
| 48. Mason working in Kiln | Pool of Boiler Suits to be kept in Dept. for use whenever necessary. | | |
| 49. Shift Electrician/Helper | Pant . . . Shirt . . . | 2 2 | Yearly. |
| 50. Mazdoors in Sanitation Gang. | Pant . . . Shirt (half sleeve) | 2 2 | Do. |
| 51. Heavy Equipment Operator including Shovel Operator. | Pant . . . Shirt . . . | 2 2 | Do. |
| 52. Scraper Hauler Operator. | Do. | Do. | Do. |
| 53. Tractor Driver | Do. | Do. | Do. |
| 54. Compounder ¹ | Do. white | Do. | Do. |
| 55. Wardboys | 2 pants in place of being given. | shorts | Yearly. |
| 56. Loaders and Unloaders working on Ropeway, if they come in direct touch with stonedust, oil or grease. | Pant . . . Shirt . . . | 2 2 | Do. |
| 57. Female Mazdoors, working as Stitchers, Darners and Bags Branders in Packing House. | Sarce . . . Blouse . . . | 2 2 | Yearly. |
| 58. Quarry Drillers and Helpers to Quarry Drillers. | Pant . . . Shirt (half sleeve) | 2 2 | Do. |

Woollen jerseys

Woollen jerseys shall be supplied to the category of workmen listed below at Kymore, Bhupendra, Lakheri, Banmor, Sindri, Chaibasa and Khalari and Balasinor Quarries, one in every three years.

1. Euclid Drivers.
2. Dumper Drivers.
3. Shovel Drivers.
4. Bulldozer Drivers.
5. Tractor Drivers (Quarry).
6. Pointsman.
7. Diesel Loco Driver.
8. Petrol Trolley Driver at Balasinor.

ANNEXURE II

THE ASSOCIATED CEMENT CO LTD

Statement showing Uniforms and Protective clothing issued to employees

| Category | Item | Qty | How often |
|-------------------------|--|--------|----------------------------------|
| <i>Watch & Ward</i> | | | |
| 1. Supervisor: | i Peak Cap | 1 | Once in 3 years |
| | ii. Shirt Khaki | 2 | Yearly |
| | iii Open Collar tunic of Khaki Drill | 2 | Do |
| | iv Trousers Khaki drill | 2 | Do |
| | v Neck tie Khaki | 2 | Do |
| | vi Leather cross belt (brown) | 1 | Once at the beginning of service |
| | vii. Shoes (brown) | 1 pair | Once in 2 years |
| 2 Havildars | Same as per Watchmen Havildars should have 3 white stripes $\frac{1}{4}$ " wide) on their right shoulder, 6 below the shoulder seam | | |
| 3 Watchmen | i Side cap Khaki drill | 1 | Yearly |
| | or Side cap woollen | 1 | Once in 3 years |
| | ii Close collar tunic of Khaki drill | 2 | Yearly |
| | iii. Brass buttons for tunic | 1 set | At the start of service. |
| | iv Shorts Khaki drill | 2 | Yearly |
| | v Ammunition boots | 1 | Once in 2 years |
| | vi. Leather belt of $2\frac{1}{2}$ " width with brass buckle of $4" \times 2\frac{1}{4}" \times 1/8"$ engraved with ACC & name of the Works under it | 1 | At the start of service. |
| | vii Putties Khaki | 1 | Once in 3 years |
| | (a) Woollen | 1 | Once in 2 years |
| | (b) Khaki cotton | 1 | Once in 2 years |
| | viii ACC badge in brass to be worn above left pocket of tunic | 1 | As required |
| | ix Whistle with chain | 1 | Do. |

(Waterproof caps and woollen coats to be kept in central stock for issue to watchmen on duty only)

NOTE One pair of trousers may also be issued annually to the Watchmen for night duty during winter. In the case of Sikh Watchmen, puggaree should be substituted for side cap. Gorkha Watchmen may be allowed to wear their Khukari and the Sikhs their kirpan if they so desire.

Ex-servicemen may also be allowed to put on their Medal Ribbons

| Category | Item | Qty | How often |
|---|--|-----------------------|-----------|
| Hospital | | | |
| 1 Nurses. | | | |
| (a) Those wearing sarees. | { White Saree | 4 | Yearly. |
| | { White blouses | 4 | Do. |
| | { White canvas shoes | 1 pair | Do. |
| (b) To those wearing European dress * (medium quality)] | { (White frock of nurse type) | 4 | Do. |
| | { (White head gears) | 4 | Do. |
| | { (Cotton stockings)] | | |
| 2. Dressers | | | |
| | { Khakhi shirts] | 2 | Do. |
| | { Khakhi shorts | 2 | Do. |
| | { Khakhi aprons | 2 | Do. |
| | { Khakhi canvas shoes] | 1 pair | Do. |
| 3. Ward [Boys | | | |
| | { Khakhi shirts | 2 | Do. |
| | { Khakhi shorts | 2 | Do. |
| 4. Ayas (also Creche Ayas)] | | | |
| | { White sarees (Ordinary) | 4 | Do. |
| | { White blouses | | |
| Canteen | | | |
| 1 Cooks & Asst. Cooks | | | |
| | { Khakhi aprons] | 2 | Do. |
| 2. Servers] | | | |
| | { Khakhi shirts] | 2 | Do. |
| | { Khakhi shorts | 2 | Do. |
| 3. Cleaners | | | |
| | { Khakhi shirts | 2 | Do. |
| | { Khakhi shorts | 2 | Do. |
| General Office | | | |
| Time Office, School, etc | | | |
| Chaprasis | { Close collar tunic of Khakhi drill | 2 | Do. |
| | { Khakhi Trousers | 2 | Do. |
| | { Turban or cap | 1 | Do. |
| Manager's bungalow, Directors' Bungalows & Guest House | | | |
| Barber | { White close collar tunic | 3 | Do. |
| | { White trousers] | 3 | Do. |
| | { Turban] | 2 | Do. |
| Manager's car Driver] | | | |
| | { Close collar tunic | 2 Khakhi plus 1 white | Do. |
| | { Trousers | Do | |
| | { Peak cap | 1 Khakhi 1 white | Do. |
| Sweepers | | | |
| | { Khakhi shirts & shorts | 2 sets | Do. |
| Female sweepers | | | |
| | { Saree and Blouse | 2 sets | Do. |

Protective Equipment

| Category | Type of Equipment | No. of Items | How often |
|---|-----------------------------------|---|--|
| Workers who go inside bins or hoppers or who work at a height or at any hazardous place | Safety belts | A sufficient number to be kept in Central Pool or in each Department to be issued by the Departmental Head as and when required | |
| Blacksmiths, Welders, Moulders, Machinists Rivetters | Leather | One each | Once a year or less often as found necessary |
| Welders Blacksmiths | Gauntlets | One pair each | Once a year or less often as necessary |
| Rivetters and others handling rough or hot jobs | Leather Gloves or Asbestos Gloves | One pair each | Do. |
| Electricians Wiremen Mazdoors handling trailing cables | Rubber gloves | One pair each | New ones to be issued as and when necessary. |

| Category | Type of equipment | No. of items | How often |
|---|--|--|--|
| Millers Fitters Burners Mazdoors. } | Working in slurry cement or hot clinker | Gum boots. | To be issued for use whenever required from a stock maintained in the Departments concerned. |
| Welders, Electricians. | Do. | As and when required for use. | |
| Workers in dusty places, stone breakers Machinists Welders Grinders Cupola men. | Goggles | One pair. | At reasonable interval depending on the type of goggles. |
| Stone breakers Welders } | Helmet | One each. | As and when required to be replaced. |
| Stone breakers | Shin guards (or patties) | One pair each. | Yearly. |
| Employees working in dusty places like stone crusher pit, coal crusher pit Packing House, clinker and crushed limestone extraction tunnels etc. | Respirators or where these are not favoured by workers, cloth pieces). | (a) One re- respirator or (b) Suffi- cient cloth for two pieces. | (a) To be replaced when broken or spoiled. (b) Once in three months. |
| Burners, Asst. Burners. | Eye shields. | To be maintained in the Department for use as required. | |
| Mazdoors working in hot clinker, hot cement and coal dust, Welders, Asst. Welders, Welder Helpers. | Boots, shoes or chappals. | One pair each. | Yearly. |
| | Welding screens Face shields. | To be maintained for use as and when required. | |

Protective Clothing (Uniforms)

| Category | Type of Uniforms | No. of items | How often |
|--|------------------|--------------|-----------|
| 1 | 2 | 3 | 4 |
| Millers | Shirts & Shorts. | 2 pairs. | Yearly. |
| Greasers | Do. | Do. | Do. |
| Machinery-Attdts. (such as employees attending moving machinery such as pumps, compressors, belts, elevators etc.) (At fluxo-Two full pants and two full shirts) | Shirts & Shorts. | 2 pairs. | Do. |
| Bags branding Mazdoors. | Do. | Do. | Do. |
| Pointsmen | Do. | Do. | Do. |
| Motor Cleaners. | Do. | Do. | Do. |
| Diesel Loco Drivers | Do. | Do. | Do. |
| <i>Truck Drivers</i> | | | |
| Dumper Drivers | Do. | Do. | Do. |
| Bulldozer Operators | Do. | Do. | Do. |
| Crusher Operators | Do. | Do. | Do. |
| Shovel Operators | Do. | Do. | Do. |
| Turbine Attendants | Do. | Do. | Do. |
| Steam Loco Drivers | Boiler suits. | Two. | Do. |
| Loco Fireman, Asst. Firemen. | Do. | Do. | Do. |
| Quarry Mechanics | Do. | Do. | Do. |
| Motor Mechanics. | Do. | Do. | Do. |

| I | 2 | 3 | 4 |
|-------------------------------------|--------------------------------|---|--------------------|
| Mazdoors working inside Boilers. | Boiler suits | To be issued for use wherever required from stock maintained in the department. | |
| Packers | Aprons. | Two. | Yearly. |
| Drillers (Quarry) | Do. | Do. | Do. |
| Motormen | Overalls | Do. | Do. |
| Moulders | Do. | Do. | Do. |
| Painters | Do. | Do. | Do. |
| Linemen | Raincoat with cap or umbrella. | One | Once in two years. |
| Shunting staff | Do. | Do. | Do. |
| Pointsmen | Do. | Do. | Do. |
| Cement Loading Mazdoors (Stackers). | Aprons | Two. | Yearly. |
| Boiler Attendant | Shirts & Shorts. | Two pairs | Do. |
| Overhead Crane Drivers | Do. | Do. | Do. |

[No. 26/1/66 L.R.I.]

New Delhi, the 11th August 1967

S.O. 2900.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of Shri D. Panda, Arbitrator, in the dispute between the employers in relation to the Management of Bhilai Steel Plant, Bhilai, District Durg, and their workman employed in the Nandini Mechanised Mines which was received by the Central Government on the 4th August, 1967.

BEFORE THE REGIONAL LABOUR COMMISSIONER (CENTRAL), JABALPUR AND ARBITRATOR

PRESENT:

Shri D. Panda, Regional Labour Commissioner (Central).

In the matter of an arbitration under Section 10-A of the Industrial Disputes Act, 1947.

PARTIES:

The General Manager, Bhilai Steel Plant, Bhilai, Distt. Durg.

Vs.

Their workmen represented by Steel Workers Union, Nandini Branch, P.O. Nandini, Distt. Durg.

APPEARANCES:

Representing employer.—1. Shri S. Balakrishnan, Personnel Officer (Mines), B.S.P.

2. Shri M. R. Raju, Sr. Labour Officer, B.S.P.

Representing workmen.—Shri H. C. Gupta, Secretary, Steel Workers' Union.

AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment) by their order No. 37/19/66-L.R.I. dated 17th December, 1966 published an arbitration agreement under Section 10-A of the Industrial Disputes Act, 1947 arrived at between the abovenamed parties referring the following specific matter in dispute for my arbitration:—

“Whether or not the claim of Shri G. R. Kandge, Labour Inspector, Nandini Mechanised Mines to the post of Assistant Estate Officer or Additional Welfare Officer is justified? In either case what should be the relief to which is he entitled?”

The parties were requested on 22nd December 1966 to submit their respective statements of the case within 10 days. While the union submitted its written statement on the 5th January, 1967, the management wrote on 9th January 1967

requesting for 15 days time. As no written statement was received even after 15 days notice was issued on 10th February 1967 for fixing hearing in the case at Raipur on the 25th February. The management sent a telegram on the 18th February requesting for adjournment to 3rd week of March, 1967 on the ground that they were busy in Tribunal cases from 25th to 28th February, 1967. Accordingly, the case was adjourned. As it was originally specified in the arbitration agreement that the Arbitrator would give its award within three months, the parties presented to me a joint application on 22nd March 1967 agreeing to extend this period. The management's written statement was received on 24th April 1967 and the case was taken up for hearing on 27th April 1967.

2 The case of the union as stated in its written statement is that Shri Kandge who was working as Estate Supervisor (Welfare) was appointed as Welfare Inspector and posted to Sr. Labour Welfare Officer by management's order dated 20th June 1961, that as per General Manager's Order No. 46 dated 1st May, 1961 regarding channel of promotion, Shri Kandge should have been appointed as Asstt. Welfare Officer (Estate); that the management, for reasons best known to them, deprived the workman of the promotion in the estate line and promoted him as Welfare Inspector in the Industrial Relations Section for which neither the workman had applied nor opted, that the workman by his application dated 27th June 1961 resented this promotion out of line and demanded seniority in his own line to which the management gave him evasive reply; even after the workman joined as Welfare Inspector, he was entrusted with the same work of Estate with responsibilities to look after the development of the estate work, its organisation and management in the various mines from headquarters at Bhilai; that the workman was assured time and again for the higher emoluments with proper designation in the Estate cadre and when by management's order dated 1st December 1961, the post of Asstt. Estate Officer was created, the workman was asked to work against the said post; that even in the Labour Welfare line all persons who joined later than him were promoted as Additional Labour Welfare Officers in the mines and Plant with effect from 24th May, 1964 with utter disregard to the seniority of the workman even in that line; that the workman had been continuing and holding the same responsibility of the post of Asstt. Estate Officer created by order dated 1st December 1961 and during this period he officiated against the higher assignment as Asstt. Estate Manager which itself proves that the workman was weighed against the post next below Asstt. Estate Manager and above Welfare Inspector; that after the transfer of Asstt. Estate Manager to Plant from mines organisation, the entire charge was given to the workman by management's order dated 21st August 1964; that the management have thus cut the worker's claim by a double-edged weapon by denying promotion to the post of Additional Labour Officer on the ground that he had better claim in the Estate and at the same time denying the post of Asstt. Estate Officer on the ground that he had a claim in the labour line, that the union claims for designating Shri Kandge as Asstt. Estate Officer with effect from 1st December 1961 or Additional Labour Welfare Officer with effect from 24th May, 1964 besides paying charge/officiating allowance for the post of Asstt. Estate Officer from 1st December, 1961 till 24th May, 1964 in lieu of work done by him in the event of giving the second relief to the workman and he be paid sufficient compensation against mental torture and harassment undergone during all these periods.

3 The management's case in their written statement is that Shri Kandge was an Estate Officer in the Estate Department of B.S.P. and he was selected and posted as Welfare Inspector in the year 1962. The management refutes the allegation made by the union that the workman had worked as Asstt. Estate Officer throughout and he is entitled to the same; that the job of allotment of quarters and other matters in Rajhara were done by the Labour Welfare Officer in Rajhara assisted by Industrial Relations Section staff and likewise in the headquarters, the job was done under the direction of Sr. Labour Officer (Mines); that Shri Kandge was in charge of only a part of the job which was far below the job of Asstt. Estate Officer of comparable stature, for instance while Shri Mathew, Office Superintendent was given the work of rent recoveries, in the field in Nandini Shri R. N. Singh, Junior Supervisor was working and it was observed by the Arbitrator Shri Bhagwandas that Shri R. N. Singh was working on a job which was higher than the job of Supervisor; that only one post of Asstt. Estate Officer was given for all the mines and since the job was done by different persons in Rajhara and Nandini, Shri Kandge cannot claim that he was entitled to this post, logically speaking; that Shri R. N. Singh had sent a letter to the Regional Labour Commissioner on 21st March, 1967 claiming the post of Asstt. Estate Officer which bears eloquent testimony to the stand taken by the management; that as regards the claim for the post of Additional Labour Welfare Officer, there was no such post existing in the organisation and if the union could produce sufficient evidence to the effect, the management would file the written statement about the merits of

During the hearing held on 27th April 1967, Shri H. C. Gupta on behalf of the man submitted that Shri G. R. Kandge was appointed on 23rd October 1958 as Estate Supervisor (Welfare) in the scale of Rs. 180-10-330 and prior to this he was working as Tax Inspector in the Revenue Department of Nagpur Corporation for 9½ years; that he was interviewed for the post of Assistant Estate Officer in the scale of Rs. 275-25-500 (old scale) and was offered the post of Estate Supervisor; that on 20th June 1961 he was appointed as Welfare Inspector in the scale of Rs. 180-450 (copy produced and marked Ext. W.I.); that since this was not in the line of his promotion, he represented on 27th June 1961 claiming that his seniority as Estate Supervisor should be maintained as Welfare Inspector (Ext. W. II) and that the change of cadre should not debar his rights for further promotions in Estate and Welfare Section along with others and since three categories of employees in the scales of Rs. 80-220, Rs. 100-300 and Rs. 180-330 were being considered on par, the basic pay of Shri Kandge at that time being already Rs. 180, his seniority as Estate Supervisor should be considered for further promotion; that the management replied on 9/15th November 1961 that regarding counting of seniority his case would be considered when the list of Welfare Officers was drawn up and regarding promotion in Estate Department attention was invited to para (d) of General Manager's Order No. 61 dated 22nd May 1961; that Shri Kandge joined on 21st June 1961 (F.N.) as Welfare Inspector and was posted to Rajhara mines on 4th July 1961, but he was called back to headquarters vide Order dated 19th January 1962 (Ext. W. IV) to look after the Estate work; that Shri Kandge was in the belief since then that he would be adjusted against the post of Asstt. Estate Officer in the scale of Rs. 350-650 (old scale, Rs. 275-500) which had been created by Order dated 1st December 1961 and transferred to Superintendent Ore Mines Quarries Organisation by Order dated 8th November 1963 (Ext. W-V); that on 10th May 1962 Shri Kandge submitted a representation for considering his case for the post of Asstt. Estate Officer (Ext. W. VI) which was vacant and against which post he was asked to work; that Shri Kandge was officiating as Asstt. Estate Officer for mines and proved worthy to the entire satisfaction of the superiors as mentioned in the last para of the representation, that this was duly recommended by the Senior Personnel and Welfare Officer in his endorsement No. IRM-1(27)/62 on the representation which goes to confirm the fact; that in March, 1964 he made another representation for giving him the pay of Asstt. Estate Officer from 19th January 1962 (Ext. VII); that Shri Kandge was promoted to officiate as Asstt. Estate Manager (Mines) in the scale of Rs. 400-950 from 2nd April 1964 to 3rd May 1964 in the leave vacancy of Shri N. K. Singh (Ext. VIII); that on 21st August 1964 Shri N. K. Singh, Asstt. Estate Manager was relieved to join as Asstt. Personnel Officer under Commercial Manager and orders were issued on 21st August 1964 asking Shri N. K. Singh to hand over charge to Shri Kandge (Ext. W. IX); that Shri Kandge has since then been holding charge of the post and as he did not get either the pay of Asstt. Estate Officer or Asstt. Estate Manager, he made a representation on 4th September 1964 requesting that he should be given the pay of Asstt. Estate Officer from 1st December 1961 and regularised as Asstt. Estate Manager which post he was holding after Shri Singh left (Ext. X); that on 3rd October, 1964 he made another representation (Ext. W. XI) inviting reference to the representation dated 20th March 1963 and 4th September 1964; that on 30th January 1965, he was transferred to Nandini mines (Ext. W. XII) and was kept in charge of Estate; that by another order dated 25th February 1965 of Nandini Mines he was put in-charge of Estate Section (Ext. W-XIII); that on 14th May 1965 he made a representation (Ext. W-XIV) inviting attention to his previous representation and to consider payment of charge allowance for holding the post of Asstt. Estate Officer and Asstt. Estate Manager; that to none of the representations any reply was given by the management, though he was being verbally assured by Shri B. Mukherji, Asstt. Superintendent Ore Mines Quarries and Shri L. J. Kale, Senior Labour Welfare Officer, that he would get the post of Asstt. Estate Officer; that as Welfare Inspector, he was entitled to scooter allowance of Rs. 25 which was raised to Rs. 40 and was paid for about 10 months by order dated 27th July 1965 (Ext. W-XV), but this amount was later recovered from his pay on the ground that he was in-charge of Estate and was not Welfare Inspector; that three Labour Welfare Inspectors were promoted as Additional Labour Officers with effect from 24th May 1964 superseding the claims of Shri Kandge (Ext. W-XVI); that S/Shri S. C. Verma and S. K. Singh who were promoted as Additional Labour Officers are juniors to Shri Kandge as Welfare Inspector and Shri S. K. Singh is junior to Shri Kandge even as Labour Supervisor in the scale of Rs. 80-220; that two more Welfare Inspectors S/Shri Umesh Bihari and N. N. Biswas were promoted temporarily for 3 months as Additional Labour Officers vide Order dated 11th March 1965 (Ext. W. XVII) and Shri N. N. Biswas was junior to Shri Kandge as Welfare Inspector and Shri Umesh Behari was junior as Labour Supervisor, that Shri

Kandge made a representation on 31st March 1965 inviting attention to the promotions made to the posts of Additional Labour Officers without considering his case and without fixing any seniority of Welfare Inspectors, but no reply has been given to this; that on 10th April 1965 he gave a grievance in the prescribed grievance form to which a reply was given on 4th August 1965 intimating that it did not come within the purview of the Grievance Committee as the principles for fixation of seniority of Labour Inspectors have yet to be laid down by the management and the matter is already under their consideration (Ext. W-XIX). The union submits that this is a clear case of unjust treatment to the worker and is also a case of unfair labour practice in terms of the management's circular dated 29th May 1963 (Ext. XX) wherein it has been laid down that cases of transfer from one job to another to debar one's promotion in preference to juniors in line is unfair labour practice. The union further submits that the persons who have been promoted as Additional Labour Officers are not only juniors but are also having less qualification and experience, e.g., Shri S. C. Verma joined as Welfare Inspector on 4th July 1961 and Shri S. K. Singh joined as Labour Inspector on 28th June 1961 while Shri Kandge joined as Labour Inspector on 21st June 1961 and while Shri Verma is only a graduate Shri Kandge has studied upto LL.B final and holds L.S.C. Diploma of Nagpur University; similarly, S/Shri R. K. Shrivpuri, A. N. Pradhan and R. R. Gandhi who were promoted as Additional Labour Welfare Officer from 24th May 1964 are juniors as Labour Welfare Inspector as well as Labour Supervisors in the lower scale of Rs. 80—220 as they joined as Labour Welfare Inspector on 26th June 1961, 6th July 1961 and 12th October 1961 respectively. Besides, one Shri V. G. Deshmukh who was junior to Shri Kandge as Labour Inspector in Plant side who had been superseded by his junior Shri Nair was promoted as Additional Labour Officer on his submitting a grievance demoting Shri Nair and later Shri Nair has also been promoted, whereas Shri Kandge's grievance was rejected by the Grievance Committee. The union prays that Shri Kandge be given the post of Asstt. Estate Officer with effect from the date he joined the mines organisation on 21st June 1961 or he be given the promotion as Additional Labour Welfare Officer with effect from 24th May 1964 i.e. the date from which his juniors have been promoted and from 21st June 1961 up to 24th May 1964 he be given charge allowance at least for the post of Asstt. Estate Officer.

5 The management's case as submitted by Shri S. Balakrishnan Personnel Officer (Mines) during the hearing is that the terms of reference refers to the claim of Shri Kandge to the post of Asstt. Estate Officer or Additional Welfare Officer; that there is no such post as Additional Welfare Officer, but there is a post of Asstt. Welfare Officer (Estate) as per General Manager's order No. 46 dated 1st May 1961, a copy of which has been filed by the union with their written statement; that presumably, Additional Welfare Officer's post means the post of Asstt. Welfare Officer (Estate); that the workman has no claim to the post of Additional Labour Welfare Officer on the labour side and the same is outside the terms of reference; that as regards the claim to the post of Asstt. Estate Officer, the management submits that Shri Kandge was not solely in charge of all estate work for all mines as envisaged in the sanction order creating the post from 1st December 1961 relied upon by the union. The management produced Shri S. K. Seth, Asstt. Personnel Officer who was examined and cross-examined. The management's representatives also wanted to produce the following other witnesses—

1. Shri P. Mazumdar.
2. Shri R. N. Singh.
3. Shri M. P. Shukla.
4. The Asstt. Estate Officer, Bhilai.
5. Shri N. K. Singh.
6. Shri Mathew.

Adjournment was granted as the management wanted to produce the above witnesses and the hearing was fixed on 15-5-1967 which was adjourned to 30-5-1967 and further adjourned to 24th June 1967 at the request of the management. On 24th June 1967, the management examined three witnesses, viz., S/ Shri V. T. Mathew, Office Superintendent, H. R. Banchhor, Asstt. Estate Officer, Bhilai and R. A. Gangapurkar, Asstt. Personnel Officer. The management also produced documents which were marked Exts. M1, M2, M3, M4 and M5. The union during cross-examination produced Exts. W-21 and W-22. The management requested for adjournment to produce one more witness Shri R. N. Singh and the case was adjourned to be taken up on 5th July 1967 at Durg, but the venue was changed to Jabalpur as my programme to Durg was cancelled. The management sought adjournment which was allowed after awarding a cost of Rs. 100 to the union by an interim order dated 5th July 1967 and the hearing was taken up on 24th

July 1967. The management examined Shri R. N. Singh at this hearing, who was not cross-examined by the union.

6. During the final hearing held on 24th July 1967, the union's representative Shri H. C. Gupta, in reply to the management's statement made on 27th April 1967 that there was no post of Additional Welfare Officer, stated that the post in view is that of Additional Labour Welfare Officer; that at the time of agreement the management did not point out the mistake that the post was that of Additional Labour Welfare Officer and not Additional Welfare Officer, which was evidently a slip; that at the time of Shri Kandge's appointment as Labour Welfare Inspector there was a common cadre of Labour Inspectors and Labour Welfare Inspectors and both the mines and Plant were on the common list and the posts were inter-transferable and accordingly, persons from mines to Plant and *vice versa* continued to be transferred; that as per the list prepared by the union in respect of all these common cadre workmen a number of Labour Welfare Inspectors/Labour Inspectors juniors to Shri Kandge have been promoted as Additional Labour Officers or Additional Labour Welfare Officers; that while in the Plant the post is called Additional Labour Officer in the mines it is called Additional Labour Welfare Officer; that Shri Kandge has been superseded by 9 persons and even if seniority is taken separately for Mines and Plant, he has been superseded by 5 in the mines and 4 in the Plant; that recently an order has been issued by the management on 1st July 1967 reorganising the Industrial Relations Department and posting Additional Labour Welfare Officers and it has been stated therein that Orders regarding posting of Shri Kandge would be issued separately; that accordingly the union claims that Shri Kandge should be promoted as Additional Labour Welfare Officer with effect from 24th May 1964, the date on which all his nine juniors were promoted and be paid the difference of wages and given the benefit of Steel Wage Board recommendations as five of his juniors got this benefit having been posted in the Plant; that as regards Shri Kandge's claim for the post of Asstt Estate Officer in the scale of Rs. 350—850 (revised), the union submits that from the date of his posting in the Superintendent Ore Mines Quarries Organisation, he has been entrusted with the work of the Estates and till date he is doing the entire work of Estate in the Mines Organisation; that Shri Kandge has been performing the following items of work even in Nandini mines—

1. General Supervision of Estate Staff in Mines and Estate work.
2. Proper allotment of houses.
3. Proper allotment of office accommodation.
4. Proper allotment of shops and development of markets, bazars etc.
5. Proper allotment of plots for commercial, religious, horticultural purposes etc.
6. Reservation of accommodation in Guest House and Management of the Guest House.
7. Processing land acquisition matters.
8. Assessment of rent for B. S. P. property.
9. Assessment of rent for shops and checking realization of dues.
10. Removal of un-authorized occupation on B.S.P. property.
11. Auction of property and seasonal crops etc.
12. Prevention of cattle nuisance and other such problems in township.
13. Supervision of markets and shops and their physical checking.
14. Issue of no demand certificates to the assesses.
15. Matters relating to town administration.
16. Other field works connected with Estate Administration.
17. Checking of accounts and removal of audit objection.
18. Any other duties entrusted by the superiors.
19. Dealing with grievances of the workers connected with Estate matters.
20. Dealing with the supply of hutting materials to workers.

The union submits that the workload of Shri Kandge is more than that of Asstt Estate Officer (Plant) as will be revealed from the statement of the management's witness Shri Banchhor as while in the Plant rent assessment work has been given to I.B.M. Section which is separate from Estate Section, in the mines Shri Kandge has been given the work of rent assessment also; that it is also clear from Shri Banchhor's statement that he was junior to Shri Kandge but he has been promoted as Asstt. Estate Officer with effect from 17th May 1962 *vide* Order No. Estt 12/Seniority/2/62/1761 dated 17th May 1962; that Shri Kandge had been kept at the headquarters at Bhilai, but his posting was shown in Nandini Mines and he was being paid from Nandini Mines till he was transferred to Nandini Mines permanently; that Shri Kandge has been transferred to Nandini Mines permanently with effect from 10th February 1965 and from that date he is working as Estate-in-charge in Nandini Mines; that all the responsibilities of the Estate work have been given to him, which is clear from the statement of Shri R. N. Singh.

who deposed as a management's witness, that during the period from 21st June 1961, the date of his appointment as Welfare Inspector in the Mines Organisation, till 10th February 1965, the management brought many persons to work in the Estate Section and certain work of Shri Kandge were also allotted to them but they did not prove successful and hence all the work was being performed by Shri Kandge; that in view of the performance of work of Shri Kandge, the charge of Shri N. K. Singh, Asstt. Estate Manager in the scale of Rs 400—950 was made over to Shri Kandge on 21st August 1964 and prior to this date Shri Kandge also officiated in place of Shri N. K. Singh from time to time; that Shri Kandge looked after the Asstt. Estate Manager's work till he was transferred to Nandini in February, 1965; that the union claims that Shri Kandge be given the post of Asstt. Estate Officer with effect from the date he was posted to Mines and given the work of Estate i.e. 21st June 1961 and all the benefits of the post be given to him.

7 In reply to the union's contention, the management's representative Shri Balkrishnan stated that as already stated earlier there is no post of Additional Welfare Officer and as such it is beyond the scope of the terms of reference to consider the case of Shri Kandge for the post of Additional Labour Welfare Officer or Additional Labour Officer; that when two parties sign an arbitration agreement, it is ridiculous to argue at this stage that it was a slip is not tenable, that certain thing; that to argue at this stage that it was a slip is not tenable, that regarding the claim for the post of Asstt. Estate Officer, the management's arguments are below:—

- (1) The union has relied on the creation of post of Asstt. Estate Officer in order dated 1st December 1961. It would be seen therefrom that only one post of Asstt. Estate Officer was created therein and it cannot be only for Nandini Mines but for all the mines. The union has claimed the post from 21st June 1961 whereas the order of creation of the post is dated 1st December 1961. While it is accepted that the post of Asstt. Estate Officer was vacant all along, it has to be seen as to who was undertaking the quantum of responsibilities which were attached to the post.
- (2) There was nobody who fully shouldered the responsibility of the post. In Rajhara, one Labour Welfare Officer Shri Seth was attending to certain items of work attached this post, in Nandini Shri R. N. Singh was performing certain portion of this work and Shri O. S. Mathew who is Office Superintendent in Bhilal was attending to certain amount of work i.e. rent recoveries. Shri R. N. Singh who was posted in Nandini made a representation for higher pay and the matter was referred to the arbitration of Shri Bhagwandas, Labour Inspector (Central), Raipur, who gave an award fixing his scale of pay at Rs. 210—425 as Estate Supervisor. This post is not in the Organisational set up envisaged in the order dated 1st December, 1961. To this extent, the responsibility of Asstt. Estate Officer has been divided. The post of Office Superintendent also does not appear in that set up though Shri Mathew, Office Superintendent was doing rent recovery work. From this, a conclusion should be drawn that Shri Kandge who was posted at headquarters was shouldering only some responsibility of Asstt. Estate Officer and for this he cannot claim to have the full-fledged scale of Asstt. Estate Officer.
- (3) The union has made a point that the quantum of work performed by Shri Kandge is more than what Shri Banchhor is doing. Nothing has been produced about the quantum except a list which the union has prepared. For example, the item of work regarding reservation of accommodation in the Guest House does not give the details about quantum of work, whereas it has been proved by the management's arguments that Shri Kandge was not shouldering all responsibilities of Asstt. Estate Officer for mines.
- (4) The supersession of Shri Kandge by Shri Banchhor is not relevant as Shri Kandge came to Mines Labour Department in June, 1961 itself in higher scale while Shri Banchhor remained in a lower scale in the Estate Department itself at Bhilal.
- (5) The union has claimed extra responsibility of Shri Kandge in having rent assessment work in mines as the said work in the Plant is done by I.B.M. Section. But when the management proved that Shri Mathew, Office Superintendent, did rent assessment work from 1961 to 1964, the union has not given any importance to that work.

- (6) From May, 1964 to February, 1965, Asstt Personnel Officer, Shri Gangapurker was shouldering a certain amount of Asstt. Estate Officer's work. To that extent Shri Kandge was not doing the Asstt. Estate Officer's work.
- (7) Even if Shri Kandge claims Asstt Estate Officer's post from 1961 by virtue of his shouldering some of its responsibilities being at headquarters looking after all the mines, he cannot claim the said post after his transfer to Nandini in February, 1965.
- (8) The Asstt. Estate Manager was posted at headquarters in October 1963 and he was also doing certain amount of the work of Asstt. Estate Officer since there was no post of Asstt. Estate Manager in the set up mentioned in Order dated 1st December, 1961. Till the Asstt. Estate Manager Shri N. K. Singh handed over charge to Shri Kandge on 21st August, 1964 Shri Kandge cannot have any claim to the post of Asstt Estate Officer. Even if Shri Kandge is deemed to have taken over charge from Shri N. K. Singh, then the period of the claim of Shri Kandge for the post of Asstt Estate Officer is confined only from 21st August, 1964 to 10th February 1965.

The management submits that on the above basis, Shri Kandge, right from the beginning in 1961, was not shouldering the full responsibilities visualised for Asstt. Estate Officer by Order dated 1st December, 1961.

8. The union finally wished to submit that as regards the mistake in the order of reference, the same is covered by Section 115 of the Indian Evidence Act relating to Estoppel. The management made the union believe that the post in Mines is called Additional Welfare Officer and in the Plant Additional Labour Officer. If the post in mines is not Additional Welfare Officer but Additional Labour Welfare Officer, the management is estopped from withdrawing from their statement. As regards the claim for Asstt. Estate Officer, the management has disputed it on the basis of the creation of the post. The management do not have any regular system of creation of post and appointment of persons to such posts. For example, as per the management's statement an Asstt Estate Manager was appointed at headquarters but there is no post sanctioned and the management have stated that he was working against the post of Asstt Estate Officer. The post of Asstt Estate Officer was created on the basis of quantum of work existing then in 1961 and nobody other than Shri Kandge was posted at the headquarters office for this work. When Asstt. Estate Manager was posted in 1963 he was, on a higher post than Asstt. Estate Officer and he handed over charge to Shri Kandge who was virtually working as Asstt. Estate Officer. About the management's contention that Shri Seth was doing certain amount of work in Rajhara and Shri R. N. Singh in Nandini, the union submits that according to management's statement itself the post of Asstt. Estate Officer was at headquarters and it is natural that in the mines some other person should do the local field work. This does not in any case absolve the responsibilities of Shri Kandge as Asstt Estate Officer at headquarters. (The management here stated that even in the field, persons like S/Shri Seth, Gangapurker were doing office work also). Regarding rent recovery work done by Shri Mathew, it does not minimise the work of Asstt. Estate Officer because rent recovery work is done by I.B.M. Department in the Plant though Asstt Estate Officers are also posted in the Plant. As regards the management's contention that promotion of Shri Banchhor in Estate Deptt of Plant as Asstt. Estate Officer was ordered because Shri Kandge left for Labour Department, the union submits that Shri Kandge did not apply for the post in Labour Department. It is only to promote Shri Banchhor who was working under Shri Kandge that Shri Kandge was posted to Labour Department where his claim is also denied on the ground that he belongs to Estate Department. Shri Kandge had represented when he was posted in Labour Department and he made another representation when Shri Banchhor was promoted (copies already exhibited). The union representative submitted that it would be seen from the personal file of Shri Kandge that a note was recorded by SPWO at para 35 which was shown to Shri Kandge that his case was recommended for the post of Asstt. Estate Officer and he should continue to do the work. On that hope Shri Kandge was performing the work. The management produced a file but the union did not admit it as the personal file of Shri Kandge as it contained only some loose sheets without page numbers and related to Shri Kandge's posting at Nandini mines.

9. While one of the issues for decision before me is whether the claim of the workman to the post of Assistant Estate Officer or Additional Welfare Officer is justified, the management have now stated that there is no post of Additional Welfare Officer and as such the arbitrator cannot consider the claim of the

workman to the said post. It is really unfortunate that a Senior Officer of the management who had entered into arbitration agreement with the union had drawn up the term of reference, the factual position of which is challenged by the management's representative at the arbitration. The management's representative who was a party to the arbitration agreement should have been fully aware of the fact that there was post called Additional Welfare Officer. In the statement of demands of the Union, dated 27th July, 1966 on the basis of which the dispute was taken up in conciliation and the arbitration agreement was entered into, the union has claimed the post of Additional Labour Officer for the workman. As such, the use of the designation 'Additional Welfare Officer' in the terms of reference, if it is denied by the management to be a slip, cannot be anything, else but a deliberate attempt on the part of the management's representative to mislead the union and all concerned, though in my personal view, it was a bonafide error on the part of both the parties. Though the union has relied on Section 115 of the Indian Evidence Act to cover this discrepancy, I would prefer refraining myself from considering the claim of the workman in this respect to avoid the technical objection, particularly when an alternative claim of the workman to the post of Assistant Estate Officer is also involved and for which no technical objection has been raised by the management. It is admitted by the management that the workman has been doing a portion of the Estate work though it is not admitted that the workman was not performing the full-fledged duties of Assistant Estate Officer. It is also admitted by the management that the post of Assistant Estate Officer was created in December, 1961 and according to management's records, it has not yet been filled. It is also admitted that Shri Kandge was posted to the Estate Section at the headquarters near about that period and was doing Estate work. It is also very clear from Ext. W. IX which is an order issued by the S.O.M.Q. signed by Personnel Officer 'for S.O.M.Q.' that Shri N. K. Singh, Assistant Estate Manager, Mines Organisation, who was relieved to join as Assistant Personnel Officer handed over charge to the workman on the 21st August, 1964. There was also another order, dated 27th March, 1964 appointing the workman to officiate as Assistant Estate Manager (Mines) in the scale of Rs. 400—950, a post higher than that of Assistant Estate Officer during the leave vacancy of Shri N. K. Singh, Assistant Estate Manager from 2nd April, 1964 to 3rd May, 1964. Since the management have not made out any case that the post of Assistant Estate Officer has been abolished, there is no doubt that the post of Assistant Estate Officer still exists. The management's order, dated 8th November, 1963 (Ext. MV.) transferring the post of Assistant Estate Officer along with other posts under Senior Personnel and Welfare Officer (Mines) to the Organisation of S.O.M.Q. issued after about two years of its creation would go to prove the existence of the post as well as its continuing need at that time. Otherwise, there was an opportunity at that stage to review and to abolish it. There is no indication in that order that the post of Assistant Estate Officer though created on 1st December, 1961 was not functioning. The very fact that the workman was given officiating promotion by regular Office Order to the post of Assistant Estate Manager carrying much higher scale than that of Assistant Estate Officer and thereafter he was given that charge without any order about officiating allowance etc., with the transfer of the then Assistant Estate Manager shows that the workman was performing duties next below the Assistant Estate Manager for which the sanctioned post was Assistant Estate Officer. Though the management have stated that the Assistant Estate Manager was appointed against the post of Assistant Estate Officer, no evidence has been produced to the effect that the post of Assistant Estate Officer had been kept in abeyance during the posting of Assistant Estate Manager. The scale of the Assistant Estate Manager is Rs. 400—950 while the scale of Assistant Estate Officer is Rs. 350—650. It is, therefore, not understood how a post sanctioned in a lower scale can be held by an officer in a higher scale. The regular scale of Rs. 400—950 could not have been given without creation of such a post in that scale. If a higher status officer is adjusted against a lower post, the appropriate procedure is to fix him in a higher pay in the scale of lower post instead of giving a regular higher scale of pay against a post of lower scale. In the Office Order issued to Shri Kandge appointing him as Assistant Estate Officer in place of Shri N. K. Singh, it has been clearly mentioned that he was allowed to officiate as Assistant Estate Manager in the scale of Rs. 400—950 during the leave vacancy of Shri N. K. Singh, Assistant Estate Manager (Mines) from 2nd April, 1964 to 3rd May, 1964. Since Shri Kandge was on a post even lower than Assistant Estate Officer, if the post held by Shri N. K. Singh was that of the Assistant Estate Officer and he was only designated as Assistant Estate Manager and given the higher scale, there was no reason why Shri Kandge was not appointed against the original sanctioned post of Assistant Estate Officer instead of Assistant Estate Manager. This clearly shows that the post of Assistant Estate Manager was not adjusted against the post of

Assistant Estate Officer. The management's witness Shri Gangapurkar, A.P.O., who was stated to be doing the estate work in Nandini Mines, has admitted during the cross-examination that there was an Assistant Estate Manager working in the Head Office and the said Officer was in charge of not only Nandini Mines but Estate work of all the mines till the work was transferred to the respective Mines Managers. He, however, stated that he had no idea of the work Shri Kandge was doing in the Head Office. But when he was shown the order, dated 21st August, 1964 whereby Shri N. K. Singh, Assistant Estate Manager was asked to hand over charge to Shri Kandge, he stated that he was aware of the same. Thus Shri Gangapurkar's doing estate work in Nandini Mines did not minimise the need for the estate work at headquarters. Though during the examination-in-chief Shri V. T. Mathew, Office Superintendent of Sr. Labour Welfare Officer (Mines) office, who was stated to be doing some portion of estate work, deposed that as per order, dated 4th August, 1961, the entire Estate work was transferred to mines and the then Senior Labour Welfare Officer entrusted him with the Estate work, whereby he signed rent bills, visited mines in connection with allotment, rent recovery etc. till Shri N. K. Singh, Assistant Estate Manager was posted in the mines on 24th September, 1963 and he also got the recommendation from Senior Labour Welfare Officer that he should be given the post of Assistant Estate Officer, in cross-examination he stated that he was only given the work of rent recovery. He was first denying the order issued on 20th February, 1962 allotting all Estate work except rent recovery to Shri Kandge and giving only rent recovery work to Shri Mathew, but when the order was shown to him he remembered and also stated that the same was complied with. The order, dated 20th February, 1962 reads as below:—

"In continuation of this office order No. 3, dated 19th January, 1962 the following instructions are issued.

1. Shri Kandge, Welfare Inspector, will be in charge of the following works :

(1) All Estate Works excepting rent recoveries.

S/Sri Dubey, U.D.C. and T. Sreedharan, L.D.C. will work under him.

2. Sri V. T. Mathew, Office Supdt. will be incharge of the following work :

(1) Rent recoveries.

S/Shri V. M. Parwate, U.D.C. and K. T. Chacko, L.D.C. will work under him.

All the dak including the Estate matters will be opened and marked by S.O. and then will be distributed to the respective persons.

They will take necessary action with the help of the assistants attached to them and put up the files to S.L.W.O. through the S.O. for proper co-ordination."

This order would clearly show that Shri Kandge was doing all estate work at headquarters excepting rent recovery. It is not controverted by the management that in the Plant where, as admitted by management's witness Shri Banchoor (Assistant Estate Officer), there is an Estate Manager assisted by 3 Assistant Estate Managers and number of Assistant Estate Officers, the rent recovery work is done by I.B.M. Section and not by Estate Section. In any case, when all estate work is given to Shri Kandge, only diverting rent recovery work to Shri Mathew did not minimise Shri Kandge's work in charge of all Estate work. The allotment of rent recovery work to Shri Mathew cannot be said to be without any motive as Shri Mathew has admitted in examination that he got recommendation from S.L.W.O. that he should be given the post of Assistant Estate Officer. By a circular, dated 21st November, 1961 (Ext. M-1) the Senior Labour Welfare Officer ordered that "Consequent on transfer of Estate Work to Industrial Relations Section (Mines) Shri V. T. Mathew, Office Superintendent is entrusted with the entire work. He will be visiting the mines and will personally deal with all the grievances regarding allotment, excess rent recovery etc. Mines Managers are requested to give all possible facilities to Shri Mathew for early disposal of such cases (grievances)." A note dated 17th November, 1961 sent by Senior Labour Welfare Officer reads as below:—

"**SUBJECT.—**Officiating arrangement—Assistant Estate Officer.

As per General Manager's Order No. 84, dated 4th August, 1961, the Estate work has been transferred to Industrial Relations (Mines). Shri V. T. Mathew, Office Superintendent is entrusted with the work vide letter No. IR(M)/Est. 1/61/2751, dated 21st November, 1961. Subsequently the post of Assistant Estate Officer in the scale of Rs. 275—500 has been sanctioned vide order No. Estt. Seniority/61/2799, dated 1st December, 1961. Since then Shri V. T. Mathew is officiating

in the same capacity. His order to that effect may please be issued from the date the post has been created.

A.P.O. (A)

IRM/Genl./Est./CRP/61/2635.

Dated 17th November, 1961.

(Sd.) P. MAZUMDAR,

Senior Labour Welfare Officer.

While the circular is dated 21st November, 1961, the note is dated 17th November, 1961. Probably the date 17th November, 1961 is a mistake but the true copy of the note which has been attested by Shri M. R. Raju on behalf of the management bears this date. By another order, dated 28th May, 1962, the Senior Labour Welfare Officer sanctioned T.A. amounting to Rs. 100 to Shri Mathew, Office Superintendent in connection with his journey to Ranchi in order to study the rules regarding allotment of rent free accommodation to mines employees, rate of mining allowance and the bonus scheme provided by the National Coal Development Corporation. The management produced all these documents to show that Office Superintendent was looking after the Estate work. The Office Superintendent Shri Mathew who was a management's witness, stated during cross-examination that "I cannot leave the office in my capacity as Office Superintendent without permission of higher authority. For visiting mines no order is given in writing. I visited Rajhara and Nandini in connection with rent and for that I got only verbal orders". On careful study of the aforesaid documents and evidence it can be safely concluded that the action of the management in issuing an order deputing an Office Superintendent to do field work by visiting mines etc. and then giving a note proposing him for promotion as Assistant Estate Officer was somewhat unusual and calculated and I cannot withhold the view that it was intended to show favour to one employee by denying the legitimate claim of another employee. It was within the power of the management to compensate the Office Superintendent who accepted extra responsibilities and rightly deserved encouragement, but to promote him as Assistant Estate Officer superseding the claim of Shri Kandge who was in charge of Estate Section, having been appointed firstly as Estate Supervisor, later promoted as Welfare Inspector for Estate work and allowed to officiate as Assistant Estate Manager in leave vacancy and given the charge of Assistant Estate Manager on latter's transfer would naturally encourage heart burning and bickering. However, fortunately this affair became a closed chapter after some time as is evident from the deposition of Shri Mathew that he ceased to do rent recovery work from 24th September, 1960 when Shri N. V. Singh joined as Assistant Estate Manager. Several documents have been produced and evidence adduced by the Union in support of Shri Kandge's claim for both the posts of Assistant Estate Officer and Additional Labour Officer but I do not consider it necessary to discuss each such evidence. The fact, however, remains proved that Shri Kandge was senior to many in the line of promotion of Labour Inspector to the post of Additional Labour Officer/Labour Welfare Officer. It has also been admitted in the deposition of Shri Banchhor, Assistant Estate Officer that Shri Kandge was senior to him in the Estate line also while in the cross-examination, Shri Banchhor stated that he did not know whether he joined as Estate Supervisor earlier or later than Shri Kandge, on another question, he replied that when he joined as Estate Supervisor, Shri Kandge was already Supervisor and his earlier statement could be corrected and read as "Shri Kandge had joined earlier than me". This shows that the management's witnesses had tried their best to suppress facts which had to be brought out after repeated cross-examination. Similar were the statements of Shri Mathew who had stated that he was doing all Estate work and had denied about the office order allotting Shri Kandge with all Estate work except rent recovery, but when confronted with the copy of office order he admitted about the same. Shri Mathew also stated in further cross-examination "I did not do the work relating to allotment which was given to Shri Kandge by order, dated 20th February, 1962 and my earlier statement that I did the various items of work till Shri N. K. Singh joined in the year 1963 should be corrected". In any case, it is clearly proved that in the Estate line also Shri Kandge's junior Shri Banchhor was promoted as Assistant Estate Officer while Shri Kandge continued as a Welfare Inspector. The management has nowhere stated about the rejection of Shri Kandge by any Departmental Promotion Committees either to the post of Labour Welfare Officer/Additional Labour Officer or to the post of Assistant Estate Officer. The management have declined to comment anything about Shri Kandge's claim to the post of Additional Labour Officer/Additional Labour Welfare Officer by taking advantage of the omission of the word 'Labour' in the designation 'Additional Welfare Officer' appearing in the terms of reference. In any case, from the various documents produced, it is observed that the claim of the workman for the post of Additional Labour Officer/Additional Labour Welfare Officer was not considered as he originally belonged to the Estate and had been doing the Estate work even after he

was posted as Welfare Inspector. His claim for the post of Assistant Estate Officer was not considered while promoting his juniors in the Estate line to the said post because he had since been transferred to the Labour Welfare line. It is evident that Shri Kandge was more attached to Estate work than to the Labour Welfare work. Therefore, if the management's intention was to consider him for promotion in Estate line only and not in Labour Welfare line, the same cannot be said to be unjustified. But when his junior Shri Banchhor was promoted as Assistant Estate Officer in the Plant and Shri Kandge was not allowed promotion to the post of Assistant Estate Officer in the Mines which had been created since 1st December, 1961 but was kept vacant evidently with the intention of promoting Shri Mathew, Office Superintendent to that post, the said action was motivated. After having ignored his claim to the post of Assistant Estate Officer at the relevant lines, the management is probably faced with the difficulty of adjusting him now as Assistant Estate Officer in which case he has to be assigned the post with effect from the date the post was created in December, 1961. That is why they have now deviated from their earlier stand of not considering his promotion as Additional Labour Officer/Additional Labour Welfare Officer and have stated in their Order, dated 1st July, 1967 ordering posting of Additional Labour Officers/Additional Labour Welfare Officers that the orders regarding posting Shri Kandge as such would be issued separately. This order, a copy of which has been produced by the Union has no relevance in this case in view of the management's challenge to the jurisdiction of the Arbitrator to consider the claim of Shri Kandge for the post of Additional Labour Officer/Additional Welfare Officer on the ground that the terms of reference mention the post of Additional Welfare Officer which does not exist. It has been amply proved that Shri Kandge has been working in the post of Assistant Estate Officer at least after its creation in December, 1961. The management have nowhere stated about his unsuitability to hold the post. On the other hand promoting him to the post of Assistant Estate Manager which is higher than that of Assistant Estate Officer and again giving him the charge of the said higher post shows that Shri Kandge was capable of performing the duties of Assistant Estate Officer at least. The management have now indirectly admitted the claim of Shri R. N. Singh to the post of Assistant Estate Officer even though Shri R. N. Singh who appeared as a management's witness has admitted that even now Shri Kandge is in-charge of the Estate Section and he works under Shri Kandge. He has also admitted that prior to the order making Shri Kandge in-charge Estate Section, Shri Kandge was doing office work while Shri Singh was doing field work in Nandini Mines. The management had clearly admitted that the post of Assistant Estate Officer is meant for the headquarters to look after all the 3 mines. So, Shri R. N. Singh or anybody else doing field work in any of the mines cannot minimise the claim of Shri Kandge as Assistant Estate Officer at headquarters. On the other hand these officers doing the Estate work in the field would clearly prove that Shri Kandge was doing the Estate work at headquarters in the absence of any other officer appointed as Assistant Estate Officer or Assistant Estate Manager, the charge of which post was also taken by Shri Kandge. The management's admitting the claim of Shri R. N. Singh shows that there is justification for a post of Assistant Estate Officer in each mine. Even if the claim of Shri R. N. Singh is considered for the post of Assistant Estate Officer in Nandini mines on the basis of work-load and nature of work in the field, the same cannot stand in the way of Shri Kandge who has been doing the Estate work against the vacant post of Assistant Estate Officer created in December, 1961. I, therefore, hold that Shri Kandge's claim to the post of Assistant Estate Officer is justified. As regards justifiability or otherwise of his claim to the post of "Additional Welfare Officer", which appears to be a mistake for "Additional Labour Welfare Officer", I do not wish to give any decision in the circumstances already explained.

10. The next question for consideration is about the relief to which the workman is entitled. The terms of reference seek a decision as to what relief the workman is entitled in the either case i.e. if his claim is justified to the post of Assistant Estate Officer or to the post of Additional Welfare Officer. While the claim of the Union in respect of the post of Estate Officer is from 21st June, 1961 when Shri Kandge was posted in mines organisation for Estate work, that in respect of Additional Labour Officer/Additional Labour Welfare Officer is obviously from 24th May, 1964, the date on which his juniors in that line were so promoted. In view of the management's objection that it is outside the scope of the Arbitrator to consider the claim of the workman for the post of Additional Labour Officer/Additional Labour Welfare Officer, I do not wish to consider the question of relief in respect of the claim for this post. But at the same time I consider it appropriate to take care that the award does not inflict any injustice to the co-workers of Shri Kandge in either of the lines. It is admitted that while some of the Labour Inspectors who were his juniors were promoted with effect from 24th May, 1964,

some of them were also seniors to Shri Kandge. Since Shri Kandge was in their cadre, the Labour Inspectors/Welfare Inspectors senior to Shri Kandge would naturally entertain a grievance if Shri Kandge is promoted from an earlier date in supersession to their claims, though Shri Kandge is not responsible for his changing to the Estate line. The management have stated that the Union has claimed the post of Assistant Estate Officer for the workman from 21st June, 1961 whereas the order of creation of the post is dated 1st December, 1961 and further even if he claims the post from 1961 by virtue of his shouldering some of its responsibilities being at headquarters looking after all the mines, he cannot claim the said post after his transfer to Nandini Mines in February, 1965. I agree with the managements stand so far as the first part of their contention is concerned. I would go even little further and observe that even if the post was created on 1st December, 1961 Shri Kandge could not have automatic claim over it on that date unless he took over the responsibilities of the post. Shri Kandge was a Welfare Inspector when the post was created. The clear demarcation of his work in Estate line from the Labour Welfare line was made only after issue of the management's order, dated 19th January, 1962 which reads "In partial modification of this Office Order No. 39 of 2nd January, 1962, Shri G. R. Kandge, Welfare Inspector has been posted to Head Office to look after the Estate work". It would therefore be appropriate to show him against the vacant post of Assistant Estate Officer from 19th January, 1962 irrespective of the creation of the post earlier. As regards the management's contention that Shri Kandge cannot be shown against the post of Assistant Estate Officer after February, 1965 when he was transferred to Nandini Mines since the post is meant for headquarters, I have to observe that this is only an act of the management. Had Shri Kandge been regularly appointed to the post from 19th January, 1962, the question of his transfer to Nandini Mines would not have arisen unless a post of Assistant Estate Officer was created in Nandini Mines. Shri Kandge had been claiming the post of Assistant Estate Officer almost from the date of its creation and transferring him elsewhere when the post continued to exist cannot mitigate his claim. In my opinion the ends of justice would be properly met if Shri Kandge is treated as an officiating Assistant Estate Officer from 19th January, 1962 to 23rd May, 1964 during which period he shall be given a charge allowance of 15 per cent. and from 24th May, 1964 he should be regularly appointed to the post of Assistant Estate Officer and fitted in the scale of the post. Shri Kandge had been earlier allowed such a charge allowance of 15 per cent for officiating against the post of Assistant Estate Manager instead of the regular scale of that post and nothing is on record to show that he had raised any objection claimed the scale of the post instead of charge allowance during the period of the said officiation. As such, this appears to be a settled procedure in the establishment in cases of officiating appointments and Shri Kandge cannot have any grievance on this score. The reason for my disallowing him regular appointment in the post of Assistant Estate Officer till 24th May, 1964 is to avoid any heart-burning among the Additional Labour Officer/Additional Labour Welfare Officers who were his seniors as Labour Inspectors/Labour Welfare Inspectors/Welfare Inspectors, and further if for the purpose of any further promotion it is decided to combine the cadres of Additional Labour Welfare Officer/Additional Labour Officer and the Assistant Estate Officer, he will have *inter se* seniority among the Additional Labour Welfare Officers/Additional Labour Officers which should be based on the seniority as Labour Inspector/Labour Welfare Inspector/Welfare Inspector in the absence of any proof that promotions in these cadres have been made on any Departmental Promotion Committee's recommendations.

11. In the result, I decide that Shri Kandge be given the officiating appointment as Assistant Estate Officer from 19th January, 1962 till 23rd May, 1964 and regular appointment as Assistant Estate Officer with effect from 24th May, 1964. He shall be entitled to 15 per cent charge allowance or initial pay of the post of Assistant Estate Officer whichever is less for the period from 19th January, 1962 to 23rd May, 1964, and he shall be fitted in the scale of Assistant Estate Officer with effect from 24th May, 1964. The arrear difference of wages, after adjusting the acting allowance which is received during the period of his officiating as Assistant Estate Manager in the leave vacancy, be paid to him within 30 (thirty) days from the date this award becomes enforceable under the law. I award accordingly.

(Sd.) D. PANDA,
Regional Labour Commissioner (Central),
Jabalpur
and
Arbitrator.

Dated the 28th July, 1967.

[No. 37/19/66-LRI]

New Delhi, the 18th August 1967

S.O. 2901.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Rajasthan, Jaipur, in the matter of an application under Section 33A of the said Act filed by Shri Rawar Ram and others which was received by the Central Government on the 5th August, 1967.

सेन्ट्रल गवर्नमेंट

इन्डस्ट्रियल ट्रीब्युनल, राजस्थान, जयपुर

उपस्थित

श्री जे० एम० राणावन

जज

निकायन सं० सी० आर्० डी० 7 से 37 आग 1966

श्री रेवड राम पुत्र श्री आनूराम मीना एवं 31 अन्य प्रार्थीगण

बनाम

श्री मेनेजर, इर मिलिका, रवान, पोस्ट आदिस—बांसवा, जिला जयपुर विपक्षी

उपस्थित

प्रार्थीगण की ओर से :—

श्री निजामुद्दीन

विपक्षी की ओर से :—

श्री भंवरलाल नाटानी

अवार्ड की तारीख :—

5 जुलाई, 1967

प्रकार्य

पक्षकारान के प्रतिनिधियों का कहना है कि मौजूदा मामले में यूनियन व कम्पनी में बाहमी [समझौता हो गया है और इस समझौते के हो जाने से वह अब इस मामले में आगे कार्यवाही करना नहीं चाहते और प्रार्थना करते हैं कि **No Dispute Award** पास कर दिया जावे। अब बाहमी [समझौता हो जाने से इन सब मामलों में **No Dispute Award** पास किया जाता है।

जे० एम० राणावन,

जज,

सेन्ट्रल गवर्नमेंट इन्डस्ट्रियल ट्रीब्युनल,
राजस्थान, जयपुर।

S.O. 2902.—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following amendment in the notification of the Government of India Department of Labour and Employment S.O. No. 2286, dated the 4th July, 1967.

In the said notification, in the second paragraph, for the portion beginning with the brackets, figure and words “(1) the number of surplus workmen”, and ending with the words “to ensure relief to the workers concerned”, the following shall be substituted, namely:—

- “(1) the number of surplus workmen, if any, on the rolls of Burmah-shell Oil Storage and Distribution Company of India Limited, Esso Standard Eastern Limited and Caltex (India) Limited as on the 1st January, 1960 and on the same date in subsequent years;
- (2) The reasons and justification for the said workmen becoming or being rendered surplus and in particular, the extent to which they became surplus as a result of:
 - (a) the introduction and extension of contract or agency system in the said companies,
 - (b) the recruitment of casual labour by the said companies,
 - (c) the change over to bulk filling of oil products and the discontinuance of distribution of kerosene and other products in tins and barrels and closing down of the tin plants by the said companies.
 - (d) the rationalization and reorganisation of business and working methods of the said companies,
 - (e) the introduction of automatic devices including accounting machines, and computers by the said companies,
 - (f) other measures;
- (3) the methods, plans and schemes (including early voluntary retirement schemes and voluntary separation schemes, if any) adopted by the said companies to deal with the surplus workmen;
- (4) the manner in which the said methods, plans and schemes were formulated and implemented,
- (5) the extent to which the said methods and their implementation were just, proper and in accordance with law;
- (6) if any of the methods adopted to determine and deal with the surplus workmen or the implementation thereof was not just, proper or in accordance with law, the action, which, in the opinion of the Commission, should be taken by Government to ensure security of jobs and other relief to the workers concerned.”

[No. 17/10/66-LRIV.]

New Delhi, the 21st August 1967

S.O. 2903—In pursuance of clause (c) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 662, dated the 7th March 1963, namely:—

In the Schedule annexed to the said notification for the entries in column 1, the following entries shall be substituted, namely:—

- “(1) Assistant Labour Commissioner (Central), Dhanbad-1.
- (2) Assistant Labour Commissioner (Central), Calcutta-1.”

[File No. 23/12/67-LRI]

S.O. 2904.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Patna in the industrial dispute between the employers in relation to the management of Baulia Lime Stone Quarries of Messrs Sone Valley Portland Cement Company Limited and their workmen, which was received by the Central Government on the 16th August, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, PATNA

REFERENCE NO. 2 (CENTRAL) OF 1965

Employers in relation to the management of Baulia Lime Stone Quarries of M/s. Sone Valley Portland Cement Company Limited and their workmen represented by Baulia Quarries Mazdoor Sangh.

AWARD

Dated the 8th August, 1967

By S.O. No. 22/18/64/LR/I dated the 4th March, 1965 the Government of India, Ministry of Labour & Employment, constituted an Industrial Tribunal with myself as the Presiding Officer and referred the industrial dispute between the employers in relation to the management of Baulia Lime Stone Quarries of M/s. Sone Valley Portland Cement Company Limited and their workmen represented by Baulia Quarries Mazdoor Sangh for adjudication. The specific point in dispute is as follows:—

"Whether the workmen are entitled to any bonus for the years 1959, 1960, 1961 and 1962? If they, are entitled, what should be the quantum of bonus?"

2. Parties filed a memorandum of settlement settling the point in dispute amicably with a prayer that award might be given in terms of this settlement. I have perused the terms of settlement. They appear to me to be reasonable, just and fair. I accept the memorandum of settlement and give my award in terms thereof. The relevant extract of the Memorandum of Settlement will form part of this award as Appendix I.

(Sd) SHIB CHANDRA PRASAD,

Central Government Industrial Tribunal, Patna.

8-8-1967.

APPENDIX I

Memorandum of Settlement arrived at on July 24, 1967 between the Management of Sone Valley Portland Cement Co. Ltd., Limestone Quarry, Baulia, and their workmen as represented by Baulia Quarries Mazdoor Sangh under Section 18(3) of the Industrial Disputes Act, 1947, and the Rules framed thereunder in the course of Conciliation Proceedings held by Shri S. K. Dutta, Deputy Commissioner of Labour and Conciliation Officer, Bihar, Patna.

Employer's Representatives

- (1) Shri H. K. Chaudhary,
Chief Personnel Officer.
- (2) Shri P. C. Jain,
Assistant Superintendent.

Employees' Representatives

- (1) Shri Mithilesh Kumar Sinha,
General Secretary, H.M.S. Bihar.
- (2) Shri Baldeo Azad,
General Secretary, Baulia
Quarries Mazdoor Sangh, Baulia.
- (3) Shri Jadu Bans Singh.
- (4) Shri Anjani Kumar,
Assistant Secretary, B.Q.M.S.

Short Recital of the Case

Whereas the Baulia Quarries Mazdoor Sangh submitted a Charter of Demands vide their letter No. 64(4)532, dated 14th March 1964 and a settlement was arrived at in the presence of Regional Labour Commissioner (C), Dhanbad, on 28th April 1964, between the said Union and the Management resolving all the issues except the issues of Bonus and Gratuity, and

Whereas the Mazdoor Sangh has since then raised several other demands, the last one being dated 1th June 1966, by their letter No. 66(5)228, and

Whereas according to the aforesaid agreement, issue of payment of Bonus for the accounting years 1959, 1960, 1961 and 1962 was referred to Tribunal for adjudication, and

Whereas the Management has in view of the demand of the Baulia Quarries Mazdoor Sangh and in view also of the request of the Central Regional Labour Commissioner, Dhanbad, decided to abolish the Commission Agency system, and

Whereas the parties are anxious to maintain good relation and industrial peace as such, after negotiations and discussions have agreed to the following settlements:—

** ** ** **

3. Bonus:

(i) The permanent workmen and permanent staff shall be paid bonus equivalent to seven weeks' basic wages for the accounting years 1959, 1960 and 1961 as follows:

| | | Workers | Staff |
|----------------------------------|--|---------|----------|
| (a) For the accounting year 1959 | } Two weeks' basic wage/salary of 1959 | 12 days | 15 days |
| (b) For the accounting year 1960 | } 2½ weeks' basic wage/salary of 1960 | 16 days | 18½ days |
| (c) For the accounting year 1961 | } 2½ weeks' basic wage/salary of 1961 | 16 days | 18½ days |

(ii) The aforesaid payment shall be in full and final settlement of all the claims of the workmen and staff for Bonus for the accounting years 1959, 1960 and 1961, and shall be paid only to such permanent workmen and permanent staff who have worked 210 days in the respective years. Those who worked less than 210 days in the respective years shall not be paid any Bonus for that year.

(iii) It is agreed that these are *ad hoc ex-gratia* payments and not based on any formula, as such, this shall not be treated as a precedent nor shall be used for any future Bonus dispute in any conciliation/adjudication/arbitration or elsewhere.

(iv) Payment of Bonus for the accounting years 1962 and 1963 will be 4 per cent of salary/wage (basic, D.A., V.D.A. and P.A.) earned during the relevant accounting years. The aforesaid payments shall be in full and final settlement of all the claims of the workmen for Bonus for the accounting years 1962 and 1963.

(v) The Management has already paid 4 per cent of salary and wages to the workmen as Bonus for the accounting years 1964 and 1965 according to the Payment of Bonus Act, 1965. The workmen have accepted the said payment. The Management will pay Bonus on the Personal Allowance for the accounting years 1964 and 1965 and such payment will settle fully all the claims of Bonus for the accounting years 1964 and 1965.

(vi) Payment of Bonus as mentioned above for the accounting years 1959, 1960, 1961, 1962 and 1963 shall be made to the employees in three equal instalments which shall be payable as below:—

1st instalment by 30th September, 1967.

2nd instalment by 31st December, 1967.

3rd instalment by 30th June, 1968.

** ** ** **

(Sd.) H. K. CHOUDHARY.

(Sd.) P. C. JAIN.

(Sd.) MITHILESH K. SINHA,

(Sd.) B. AZAD,

(Sd.) ANJANI KUMAR,

(Sd.) S. K. DATTA,

24-7-67.

Deputy Commissioner of Labour and Conciliation Officer,
Bihar.

[No. 22/18/64-LRI.]

ORDERS

New Delhi, the 14th August 1967

S.O. 2905.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Dalmia Magnesite Corporation, Salem and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication:

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri M. Tajammul Hussain, as Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the contract system functioning in the mines and factory of M/s. Dalmia Magnesite Corporation, Salem should be abolished and the employees of the contractors be taken by the Corporation without any break in their service and with the pay scales and other amenities as are applicable to its own employees?

[No. 35/11/67-LRI.]

New Delhi, the 21st August 1967

S.O. 2906.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Hindustan Commercial Bank Limited, Kanpur and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Hindustan Commercial Bank Limited, Kanpur was justified in terminating with effect from the 20th January, 1958, the services of Shri Bhagwan Dass, Cashier at their Amritsar Branch? If not, to what relief is he entitled?

[No. 51/39/67/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

New Delhi, the 14th August 1967

S.O. 2907.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the matter of an application under section 33A of the said Act from Shri O. P. Dubey, Head Clerk, South Parasea Colliery represented by Parasea and South Parasea Colliery Mazdoor Congress, which was received by the Central Government on the 8th August, 1947.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 5 of 1967

AND

MISC. APPLICATION No. 18 of 1966

(Under Sec. 33A of the I. D. Act)

PARTIES:

Employers in relation to the South Parasea Colliery,

Vs.

Shri O. P. Dubey, Head Clerk, South Parasea Colliery, represented by Parasea & South Parasea Colliery Mazdoor Congress.

PRESENT:

Shri S. K. Sen, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri S. S. Mukherjee, Director.

On behalf of Workman—Shri B. N. Sharma, Asstt. Secretary, Parasea and South Parasea Colliery Mazdoor Congress.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

Shri Onkar Prasad Dubey was employed at South Parasea Colliery, P.O. Kajoragram, Distt. Burdwan as Headclerk. By August 1966 he had completed about 13 years' service, first as despatch clerk and subsequently as Headclerk. He was served with a chargesheet dated 24th August, 1966 containing several allegations, the principal allegation being that he had fraudulently charged 16 hours overtime for work on a paid holiday, the 15th August, 1966. He was served with another chargesheet dated 29th August, 1966 for disobedience to the order of a Superior authority, viz. the Deputy Agent, Shri V. K. Chhawchharia, to type out a notice on 22nd August, 1966. This chargesheet also contained the allegation that on several occasions before 22nd August, 1966 O. P. Dubey had simi arly refused to type out letters and papers although required to do so by his official superiors. Separate enquiries were held into the two chargesheets but a single order was passed on 13th October, 1966, stating that the charges had been found proved, but in consideration of his past service, instead of passing an order of dismissal, the management was terminating services of O. P. Dubey with immediate effect; and that he was to draw one month's pay in lieu of notice.

2. On 15th November, 1966, O. P. Dubey filed an application under Section 33A of the Industrial Disputes Act, 1947, challenging the order of termination of service on merits as well as on the ground that no application for approval had been sought under Section 33(2)(b) of the Act by the management, even though another dispute (Reference No. 103 of 1966) was then pending before the Central Government Industrial Tribunal at Calcutta. The Management submitted a written statement in reply, defending the order of termination of service, and averring that no application under Sec. 33(2)(b) of the Act was necessary, as O. P. Dubey was not concerned in the dispute in Reference No. 103 of 1966, which arose from the dismissal of one workman. On 20th January, 1967, by Order No. 6/118/66-LRIL, the Central Government referred for adjudication the dispute arising from the termination of service of Shri O. P. Dubey with effect from 13th October, 1966. Thereupon it was decided to take up the Reference case along with the Miscellaneous Case which was started on the application under Section 33A of the Industrial Disputes Act.

3. At South Parasea Colliery the recognised union is Khan Shramik Panchayat. This union was established in 1953 and Shri Jagannath Pandey was the President of that union. But in February 1965 Jagannath Pandey having difference with the members of his committee broke away and organised a separate union, the Parasea and South Parasea Colliery Mazdoor Congress. O. P. Dubey became an original committee member of the new'y formed union, Jagannath Pandey being the President and P. N. Tripathi the General Secretary. One Ramnath Singh, a workman of Parasea Colliery which is close to South Parasea colliery, became one of the Assistant Secretaries. The Committee of the new union was constituted afresh in the beginning of 1967. Jagannath Pandey remained the President and Jagadish Pandey became the General Secretary; P. N. Tripathi became an Asstt Secretary and O. P. Dubey remained a committee member after the reconstitution. When the two chargesheets were served on O. P. Dubey however, the committee which was originally constituted was still working. According to the union, O. P. Dubey took a great deal of interest in the working of the new union and he was deputed to represent workmen in disputes before the Conciliation Officer and before other authorities, and on several occasions he applied for and obtained leave from the management to enable him to appear before the Conciliation Officer and other authorities. Because of his union activities the management was displeased with him, particularly as the Management did not recognise the new union. According to the union, the termination of service of O. P. Dubey on the basis of the enquiry on the two chargesheets served on him amounted to victimisation for his trade union activities. Further, according to the union, neither of the two departmental inquiries was fairly conducted and the inquiring officers showed bias and subservience to the Director-in-charge, R. K. Goenka, both in their conduct of the proceedings and their findings, and so the order of termination of service passed on such inquiries and findings could not

be upheld. The union claimed reinstatement for O. P. Dubey with back wages. It will be convenient at this stage to set out the defence of O. P. Dubey to the two chargesheets.

4. O. P. Dubey had applied for and obtained leave for 8 days from 23rd August, 1966 to 30th August, 1966 to go to New Delhi and see certain officials of the Ministry of Labour and Employment in connection with some union affairs at Parasea and South Parasea collieries. 31st August, 1966 was a weekly day of rest for him and so he was to join on the 1st of September, 1966. On 1st September when he returned from Delhi that he was served with the two chargesheets, dated 24th August, 1966 and 29th August, 1966. As to the charge contained in the first chargesheet, O. P. Dubey's case was that he had actually worked in the office on 15th August, 1966 from 7 a.m. to 3-30 p.m. with 2 hours recess from 12 noon to 2 p.m. for meals, and when under the direction of the Agent he had proceeded with some clerks of Parasea Colliery to Ondal Weigh Bridge office for obtaining wagon disposal statements for the fortnight ending 14th August, 1966; there was delay in obtaining the wagon disposal statements as the clerk of the office concerned started preparing the statements after the normal working hours of his office, i.e. 5 p.m., the statements were ready by 8 or 8-30 p.m. but thereafter comparison between the statements and the coal despatch registers was made in order to find out mistakes if any in the wagon disposal statements; this took upto 10-30 p.m.; thereafter they had to go to the Ondal Bazar at a distance of half a mile from the office, to meet the office lorry and after taking refreshments at the Bazar they returned to the Colliery by 11-30 p.m.; and then O. P. Dubey worked for half an hour upto 12 midnight in order to prepare and type out the forwarding letter addressed to the Head Office for despatch of the wagon disposal statements. Thus O. P. Dubey's reply to the first chargesheet is that he actually worked for 15 hours, and under the existing practice for calculating overtime for monthly paid staff he charged for 16 hours' overtime; and further when he presented the slip for overtime to the Deputy Agent on 19th August, 1966, the Deputy Agent made an endorsement authenticating the slip. As regards the second chargesheet, O. P. Dubey's case was that the Welfare Officer J. Dayal Jindal came to him with a draft notice and a slip containing the Deputy Agent's order for typing the notice at about 4-30 p.m. on 22nd August, 1966; at that time, O. P. Dubey was busy filing certain papers in the appropriate files and making over charge to the despatch clerk, B. K. Chowdhury, as he was starting that evening for Delhi, having obtained 8 days' leave from 23rd August, 1966; he explained to the Welfare Officer that he was busy and could not type out the notices at that time; the Welfare Officer as was apparently convinced and went back to the Deputy Agent, and after a few minutes a Gatekeeper Kedar Nath Roy came back with the slip of the Deputy Agent with an additional endorsement stating that if the Head Clerk was too busy to type out the notice he should send the typewriter machine to the Deputy Agent so that the Deputy Agent might arrange to get it typed by somebody else, and thereupon O. P. Dubey sent the typewriting machine through the Gatekeeper. According to O. P. Dubey therefore there was no refusal to obey the order of a Superior.

5. According to the management, after O. P. Dubey had submitted his bill for 16 hours' overtime for 15th August, 1966, the Deputy Agent had authenticated the slip in good faith, but thereafter at the instance of the Director-in-Charge, R. K. Gosnka, the Deputy Agent had checked the work actually done in the Office by O. P. Dubey on that day, and estimated that the work done in the Office should not have taken more than an hour and a half; and the journey to Ondal Weigh Bridge Office and back after obtaining the required statement could not have taken more than 6 hours, for the party started at about 4 p.m. and had obtained the statements from the Railway Staff by 8 or 8-30 p.m. and then spent some time in checking them. According to the management, therefore, almost O. P. Dubey could claim overtime for 8 hours and not for 16 hours. As to the incident of 22nd August, 1966, the case of the management is that at the time when the Welfare Officer went with the General Notice to be typed out, with the slip from the Deputy Agent to O. P. Dubey directing him to type out the notice urgently, O. P. Dubey was engaged not in doing any Office work for making over charge, but was typing out a letter on behalf of the Union to the Agent of Parasea Colliery regarding the workmen's demand for sick leave allowance, and O. P. Dubey had flatly refused to type out the General Notice, although required for a second time to do so by the slip brought back by the Gatekeeper from the Deputy Agent. According to the management, therefore, the chargesheets were framed in respect of mis-conducts which had been committed, and there was no intention to victimise a workman who had made himself obnoxious by his Trade Union activities. As regards the allegations of the Union that the two enquiries relating to the chargesheets were not fairly conducted, the management stoutly denied the same and

claimed that every facility had been given to O. P. Dubey to cross-examine the management's witnesses and to give his own statement and to examine defence witnesses, and the findings of the enquiring Officers were not dictated by the Director-in-Charge but was based on the evidence recorded at the respective enquiries.

6. A good deal of correspondence has been filed by the two parties in this case, and some of the letters go to show that O. P. Dubey was giving a good deal of time to Trade Union activities; he appeared to take pleasure in fighting the management and the management necessarily was annoyed with O. P. Dubey's over zealousness. Ext. 11 is a letter from the Director to O. P. Dubey granting the leave for 8 days from 23rd August, for attending to Trade Union activities by meeting some Officers of the Ministry of Labour and Employment at New Delhi; in that letter the Director stated that while the leave was being allowed, it was seen from the record that during the current year O. P. Dubey had been taking leave off and on for Union activities and this badly hampered his work as the Head Clerk, and so O. P. Dubey must curb his practice of taking leave so many times. By a letter dated 2nd September, 1966 (Ext. 12) the Director informed O. P. Dubey that it had been represented that often he was absent from his Office for part of the day for alleged Union activities, without having obtained leave, but received payment for the whole day's work; and warned him and asked him to show cause why disciplinary action should not be taken for such conduct. Ext. 12A another letter dated 3rd September, 1966 where O. P. Dubey was reprimanded for attending his Office one hour late. It may be mentioned that usual working hours on week days at the Colliery Office are from 7 a.m. to 5 p.m. with 2 hours break from 12 noon to 2 p.m. for the midday meal. According to letter, Ext. 12A, on 2nd September, 1966 O. P. Dubey attended Office at about 8 a.m. instead of at 7 a.m. Ext. 12B is another letter from the Director, dated 3rd September, 1966 reprimanding O. P. Dubey for his frequent absence on the plea of attending conciliation proceedings relating not only to employees of South Parasea Colliery but also of Parasea Colliery. The Director stated that there were other Office bearers of the Union who were workmen of Parasea Colliery and who were competent to represent the case of Parasea Colliery workmen before the Conciliation Officer. O. P. Dubey wrote a strong reply, Ext. 13, to the allegations made in the letters of the Director, Exts. 12, 12A and 12B, and claimed that he had the right as a Committee Member of the Union to represent workmen of Parasea Colliery also before the Conciliation Officer. He also claimed that whenever he represented the workmen before the Conciliation Officer, he always took leave from the management and he appended a list showing the dates on which he had taken such leave for appearing on behalf of other workmen before the Conciliation Officer. The list shows that he took short leave for 3 hours on the average per day on 11 days in the course of the last 12 or 13 months. The letters Ext. 12, 12A and 12B were issued on 2nd or 3rd September, 1966; the two chargesheets were served on the 1st September, and these letters followed; O. P. Dubey has relied on these letters to show that the Management had decided to get rid of him by that time, and were making numerous allegations against him. Before that, in June, 1966, the Management made various allegations against the conduct of O. P. Dubey, Ramnath Singh and other active Union workers in a letter directed to the Additional Secretary, Ministry of Labour and Employment vide the Annexure to the letter, Ext. 15, which the R.L.C. (C), Calcutta wrote to the General Secretary, Parasea and South Parasea Colliery Mazdoor Congress, informing him that the A.L.C. would hold a personal inquiry into the matter. In the Management's letter of June 1966, threatening of the Safety Officer by O. P. Dubey was mentioned as an instance of his unseemly conduct. A warning letter in that connection was issued direct to O. P. Dubey on 8th April, 1966, vide Ext. 7; O. P. Dubey wrote a strong letter in reply, Ext. 7B, and the Director finally wrote on 25th April, 1966 (Ext. 7A) that he had decided not to initiate proceedings over the matter, but that O. P. Dubey should be on good behaviour in future. It is clear that from about six months before the issue of the chargesheets, the relationship between the Management and O. P. Dubey had become strained.

7. Ext. 1 is the first chargesheet relating to the alleged fraudulent claim for 16 hours overtime on 15th August, 1966. Ext. E is the reply to that chargesheet. Ext. H is the proceedings of the enquiry held by MW 1—J. Dayal Jindal, Welfare Officer on 3rd, 4th and 7th October, 1966. Ext. I is his report. According to the Union the enquiry was not a fair one because the Director-in-Charge, Shri R. K. Goenka, was present throughout the enquiry and suggested replies when the only witness for the Management, V. K. Chhawchharla was under cross-examination by O. P. Dubey, and threatened at least one witness for the defence namely Ram Sakal Singh. Further, according to the Union, the Welfare Officer, J. Dayal Jindal, had for the interest of the management granted many adjournments before

commencing the enquiry and had announced before he started the enquiry that O. P. Dubey was going to be sacked. It appears to be true that the enquiring officer granted many adjournments. Ext. 2 is the first notice of enquiry fixing 9th September, 1966 for enquiry. By Ext. 2A the Enquiring Officer adjourned the enquiry to 16th September for his personal reasons i.e. illness in his family. But by Ext. 2B he again adjourned the enquiry to 18th September for the convenience of the Director, R. K. Goenka and by the Exts. 2C and 2D he further adjourned the enquiry to 1st October, 1966 for the convenience of the Director, R. K. Goenka. Thereafter on the application of O. P. Dubey the enquiry was shifted to 3rd October, 1966 when it was actually commenced. It has been urged by Shri B. N. Sharma, appearing on behalf of the Union that the adjournments were made not only at the instance of the Director-in-Charge, R. K. Goenka, but also in order that the management might tamper with the witnesses proposed to be examined for the defence. There is however no evidence to show that the management attempted to tamper with the witnesses for the defence. In respect of the first chargesheet the witnesses examined for the defence were Ram Sakal Singh, a clerk of Parasea Colliery and Bachha Singh, a Peon of Parasea Colliery, and Kedarnath Rai, a Guard or Gateman of South Parasea. The first two witnesses mentioned had gone with O. P. Dubey on the 15th August 1966 to Ondal Weigh Bridge Office to obtain wagon disposal statements for Parasea Colliery. These witnesses generally supported the defence version. Ram Sakal Singh and Bachha Singh gave their accounts of the visit to Ondal Weigh Bridge Office and their return to the Colliery Office, their description agreeing generally with that given by O. P. Dubey, and Kedar Nath Roy supported O. P. Dubey's evidence that after he returned from Ondal Weigh Bridge Office at about 11-30 p.m. O. P. Dubey worked in the Office for about half an hour and then asked him to close the Office doors at 12 midnight. Therefore it is clear that the witnesses for the defence were not tampered with. On two occasions no doubt adjournment had been granted by the Enquiring Officer to enable R. K. Goenka the Director-in-Charge to be present at the enquiry, but this cannot be held to be improper. Shri B. N. Sharma objected to R. K. Goenka's presence at the enquiry, but it appears that he was allowed to conduct the case on behalf of the management, as O. P. Dubey was also allowed the assistance of one workman, P.W. 3-Ramchandra Prasad at the enquiry. As regards R. K. Goenka's having threatened Ram Sakal Singh, it was stated by Ram Sakal Singh as well as by O. P. Dubey that Ram Sakal Singh was told to speak the truth and threatened that else he would be discharged or expelled from the company. I do not think this amounted to threatening the witness in order to force him to give evidence in support of the management's case. On a perusal of the enquiry proceedings, Ext. H, it appears that during the cross-examination of V. K. Chhawcharla, R. K. Goenka did give some replies but those replies were in the nature of objection to the questions put in cross-examination that an Advocate might have taken, for instance O. P. Dubey asked a question "in the chargesheet you alleged that I have worked forcibly, what you meant by forcibly"; then the reply was given by Director-in-Charge: "I object to it since it is not relevant with the charge made in the chargesheet in page 2 first para 3rd to 6th line". The chargesheet, Ext. 1, is in the form of a letter and in the first paragraph it was stated that on 15th August, 1966 O. P. Dubey forcibly worked in the despatch section in spite of the fact that as per notice dated 14th August, 1966 Despatch Clerk, B. K. Chowdhury was to work on that day. No such notice dated 14th August, 1966 was produced at the departmental enquiry, and it has not been suggested before the tribunal that any such notice was given by the management. But that part of the charge was dropped at the time of the departmental enquiry, and the charge was confined to the fraudulent claim of excessive overtime. This appears from the statement made by R. K. Goenka in connection with another question put by O. P. Dubey in cross-examination. O. P. Dubey repeated the question as to what was meant by the allegation of his having worked forcibly, then R. K. Goenka stated that the enquiry was in respect of the charge made by the management in respect of fraudulent excessive charge for overtime claimed by O. P. Dubey. Thus the remaining allegations made in the chargesheet were dropped. The chargesheet in the form of the letter, Ext. 1, must be considered badly drafted because an allegation which was not intended to be pressed and which had apparently no substance should not have found place in the chargesheet. However, R. K. Goenka's intervention at the enquiry resulted in confining the enquiry to the charge of fraudulently claiming excessive overtime. I do not think that this action on the part of R. K. Goenka prejudiced O. P. Dubey.

8 In support of its claim that the Enquiring Officer, J. Dyal Jindal, was biased, the Union examined PW4 Kama' Prasad Misra, a Tea Stall Holder at South Parasea who said that on the 1st October, 1966 the Welfare Officer, when taking tea at his Tea Stall, spoke to some other people about the impending inquiry

against O. P. Dubey and said that O. P. Dubey would be sacked. But the manner of disposition of the witness did not carry conviction; I find it difficult to believe that the Welfare Officer would speak thus publicly about an inquiry which he was to hold. The Welfare Officer deposing as MW 2 has denied that he ever made such a statement and I accept this denial. Shri B. N. Sharma for the Union has also urged that in recording the evidence and conducting the proceedings, the Welfare Officer was not fair and impartial, and that he showed this by snatching away the record from O. P. Dubey's hand on 4th October, 1966 when the latter was recording some comments on the record. But the Welfare Officer was right; in fact, he should not have allowed O. P. Dubey to put any comment at all on the record; it is impertinence on the part of the delinquent to put his comments on the record itself; he can only file petitions stating his objection. On perusal of the records, I find that the Welfare Officer tried to conduct the proceedings fairly, he had difficulty with the Director-in-Charge as well as with the delinquent, but there is nothing to indicate that he did not record the evidence correctly. He gave full opportunity to O. P. Dubey to cross-examine the Management's witness and produce his own witnesses.

9 But the question remains whether the finding of the Enquiring Officer that the charge had been proved was supported by evidence. So far as the time taken for going to Ondal Weigh Bridge Office to obtain the wagon disposal statements and returning with the statements and drafting and typing a forwarding letter after return to the Office is concerned, there was one sided evidence in support of the defence case, not only the statement of O. P. Dubey himself but the evidence of his defence witnesses, Ram Sakal Singh, Bachha Singh and Kedar Nath Roy. Shri V. K. Chhawchharia, the only witness for the management, did not keep a note of the time when the lorry had left with the party and when the lorry had returned. He was not in a position to deny that after returning to the Office at about half past eleven at night O. P. Dubey had worked for half an hour in the Office. So far as Office work before starting for Ondal is concerned, O. P. Dubey relied on his own statement that he had worked from 7 a.m. to 3-30 p.m. with 2 hours break for mid-day meal. Before the Tribunal he spoke of 1 hour's break for meal, but at the departmental enquiry he spoke of 2 hours break and that evidence must be preferred. He did not produce any other witness but he stated that nobody else was in the Office. On behalf of the management also, no witness was examined to prove whether or not O. P. Dubey was actually working in the Office between 7 a.m. and 12 noon and 2 p.m. to 3-30 p.m. on that day. The Deputy Agent, V. K. Chhawchharia, scrutinised the work which had actually been done, and he gave a list thereof in the chargesheet and in his evidence, as follows (1) typed 4 letters including forwarding letter for wagon disposal statement (the lost one being done after 11-30 p.m.); (2) typed 2 forwarding letters for railway receipts to different parties; (3) made one statement of wagons indented and supplied; (4) prepared one forwarding letter to Head Office for D-Notes; (5) despatched 7 or 8 letters by post; (6) prepared raising report. The Deputy Agent guessed that all this work could be done in an hour and a half, but he did not personally see how much time was taken. It may be O. P. Dubey was not working all the time that he was in the Office, but to prepare drafts and statements he had to consult several files after taking them out from the rack and the time taken for obtaining the required data after taking down the necessary files must be taken into consideration. On the basis of the Deputy Agent's estimate as to the time which should have been taken, it was not possible to arrive at the finding that actually O. P. Dubey did not work in the Office from 7 a.m. to 12 noon and from 2 p.m. to 3-30 p.m. as claimed by him. In the circumstances it must be held that the finding of the Enquiring Officer that O. P. Dubey had fraudulently claimed overtime for 16 hours cannot be supported. Shri S. S. Mukherjee has pointed out that after allowing 2 hours for taking meals the work would come to 15 hours, but O. P. Dubey charged for 16 hours. O. P. Dubey relied on a practice in respect of a monthly paid worker that if he worked on a paid holiday for more than 4 hours, it would be counted as a full day, i.e. 8 hours, but he admitted that there is no such written rule. The provisions as to overtime in a mine are contained in Section 33 of the Mines Act, 1952 and Rule 60 of Mines Rules, 1955. Section 33 of the Act provides that a person working above ground may claim overtime for any day on which he works for more than 9 hours or any week in which he works for more than 48 hours. Normally 48 hours actual work is put in 6 days of the week and therefore for work on a weekly holiday or a festival holiday, overtime is payable at twice the ordinary rate of wages. Rule 60 of the Mines Rules provides that overtime payment shall be calculated on the basis of the daily wages; that in calculating overtime on any day a fraction of an hour less than 30 minutes shall be ignored and 30 minutes or more shall be counted as one hour, and that in respect of a monthly paid worker, the daily wages shall be taken to be 1/26th of his monthly

wages. In view of these provisions, Shri Mukherjee has urged that the unit of the overtime is the hour and that if the actual hours of work were 15 hours, O. P. Dubey was not entitled to put down the same as 16 hours. To that extent therefore Shri Mukherjee has claimed that there was an excessive and therefore the fraudulent claim. But the claim was not necessarily fraudulent. O. P. Dubey stated that in the past, the practice stated by him had been followed in respect of monthly paid workers, that when on a paid holiday a workman had worked for more than 4 hours he had been paid one day's wages. Even if the practice is not recognise, it would be sufficient for the management to disallow the claim for the hour not legally admissible i.e., allow the claim for 15 hours even though the claim had been made for 16 hours. It may be mentioned here that PW 5, Ram Sakal Singh stated that for his work on 15th August, 1966, he had asked for 16 hours' overtime but he was allowed 8 hours. The Enquiring Officer accepted generally the Deputy Agent's estimate as to the time that should have been taken and made his finding on that basis. I must clearly hold that that was not a correct basis for the finding and that in the absence of evidence that O. P. Dubey did not actually work in the Office in the morning hours or in the afternoon between 2 p.m. and 3-30 p.m. such a finding could not have been arrived at by the Enquiring Officer.

10. As regards the second charge, the enquiry thereon was originally entrusted to one S. R. Gupta, Welfare Officer of Parasea Colliery, but after the examination of V. K. Chhawchharia as witness for the management, O. P. Dubey recorded a note on the body of the proceedings that the Enquiring Officer did not record his questions and did not act in conformity with natural justice. In view of that endorsement made by O. P. Dubey on the record of the proceedings, S. R. Gupta refused to continue the enquiry and thereupon the management asked MW 2—G. C. Kejriwal the incharge of Parasea Colliery, to hold the enquiry. G. C. Kejriwal held the enquiry on 6th October, 1966. About this enquiry also it is alleged by the Union that it was not fairly conducted, firstly because at this enquiry also R. K. Goenka, the Director-in-Charge was present throughout and secondly because the Enquiring Officer did not bring on the record of his enquiry the previous statement of V. K. Chhawchharia which had been recorded before S. R. Gupta. As regards Sri Goenka's presence, the management has urged that he was present to conduct the case for the management. Shri B. N. Sharma has urged that in the presence of the Director-in-Charge the Enquiring Officer who was sub-ordinate to him could not be expected to act impartially. I agree that it might have been better if the Director-in-Charge was not present himself at the enquiry. But by his presence alone it cannot be said that the enquiry was vitiated. As regards the point that G. C. Kejriwal did not bring on record the previous statement of V. K. Chhawchharia Shri Kejriwal has denied in his evidence before the Tribunal that such a request was made by O. P. Dubey at the departmental enquiry. The previous statement of V. K. Chhawchharia as recorded before S. R. Gupta has however been produced before the Tribunal and marked Ext. 18, having been requisitioned by the Union. I must accept the evidence of G. C. Kejriwal that before him no request was made to bring on record the previous statement of V. K. Chhawchharia. If such a request had been made and refused, O. P. Dubey would have made an endorsement on the proceedings itself as he appeared to have been doing, or if that was disallowed, he would certainly have filed a petition stating that his prayer had not been accepted; but no such petition was filed in connection with that prayer. The enquiry must therefore be held to have been properly conducted. Here again there is the question whether the finding of the Enquiring Officer, that the charge of disobedience was proved, could reasonably follow from the evidence before the Enquiring Officer. The only witness examined for the management was V. K. Chhawchharia, Deputy Agent, and for the defence, Kedar Nath Roy, a guard apart from the statement of O. P. Dubey himself. V. K. Chhawchharia stated that on 22nd August, 1966 in the evening about 4 p.m. through J. Dayal Jindal he sent a draft letter to O. P. Dubey with a slip asking him to leave all other work and to type out the said letter; and that after a few minutes Shri Jindal returned and said that O. P. Dubey was at that time typing one Union's letter and had refused to type the letter or General Notice sent; that the Deputy Agent then sent the slip with a further endorsement through the night guard requesting O. P. Dubey either to type the letter or to send the machine and subsequently the machine was brought to him but the letter was not typed out by O. P. Dubey. O. P. Dubey challenged the Deputy Agent's evidence that Shri Jindal had reported that O. P. Dubey at the time was typing a letter on behalf of the Union. The slip which was sent alongwith the General Notice has been produced before the Tribunal and marked Ext. 5. The note originally was as follows—"Om Babu, with Mr. Dayal I am sending a very important notice to be typed just now. Please leave all other work whatever and get it done and send it to me". The subsequent endorsement on the letter is as follows—"Om Babu,

since I am told you have no time to type the notice I have sent, please send the machine. I shall get it typed here". There is no mention in the second endorsement about O. P. Dubey typing a Union letter. If the Welfare Officer had seen O. P. Dubey typing out a Union letter during the Office hours and had reported the same to the Deputy Agent, it is natural to expect that Deputy Agent would forthwith direct O. P. Dubey to drop the Union letter and type out the Notice he had sent. Typing Union's letter in preference to an Office letter during Office hours would certainly amount to misconduct. The absence of any reference of the Union letter and of any peremptory order to type out the General Notice would go to show that at that time the Deputy Agent was not told about O. P. Dubey's typing out Union letter but was merely told that O. P. Dubey had said that he had no time, because he was starting for Delhi the same evening and he had to complete some filing and making over charge to B. K. Choudhury by 5 p.m. In the second chargesheet, Ext. 3, there is also no reference to O. P. Dubey's typing out a Union letter at the time, although it is mentioned that O. P. Dubey was not doing any work of the company at that time. In view of this circumstance, even though Shri Jindal, examined as MW 1, has stated that he saw O. P. Dubey typing out a Union letter, I consider that evidence unacceptable. It is in this connection that the previous statement of V. K. Chhawchharia before S. R. Gupta is relevant. Therein also V. K. Chhawchharia stated ultimately that O. P. Dubey was typing out a Union letter, but in his initial statement in examination in Chief he did not say that O. P. Dubey was typing out a Union letter. He said that Jindal returned after a few minutes and informed him that though Dubey was not doing any Office work at the time he had refused to type the Draft Notice on the plea that he was busy doing some work as he was to leave the Colliery by 5 p.m. Subsequently the management received one or two letters from the Parasea and South Parasea Colliery Mazdoor Congress, dated 22nd August, 1966. One of such letters is Ext. J. relating to sick leave allowance. It appears that on receipt of the letter the Deputy Agent came to the conclusion that during Office hours on 22nd August, 1966, O. P. Dubey must have been typing that letter, although that particular letter is not signed by O. P. Dubey but by Ram Nath Singh who was the Assistant Secretary of the Union at that time and who was an employee of Parasea Colliery. Even if it be a fact that O. P. Dubey typed out that letter during Office hours on 22nd August, 1966, I am still unable to hold in view of the circumstances that O. P. Dubey was seen typing that letter at about 4 or 4-30 p.m. on 22nd August, 1966.

11. Shri Chhawchharia stated that for a second time O. P. Dubey was asked either to type the letter or to send the machine, but in Ext. 5, the second endorsement contains no direction to O. P. Dubey to type the Notice. There the Deputy Agent merely stated that since it had been reported that O. P. Dubey had no time to type the Notice, he should send the machine. On this point there is the evidence of Kedar Nath Roy at the departmental inquiry that he delivered the slip and brought the machine to the Deputy Agent, and that he said nothing further to O. P. Dubey and that he was not asked by the Deputy Agent to tell O. P. Dubey to type out the General Notice. The Welfare Officer, J. Dayal Jindal who was the best witness to prove what had actually happened was not examined at the departmental enquiry in connection with the second charge. In the circumstances, the natural inference was that O. P. Dubey had not deliberately refused to obey his Superior Officer, but as it was nearly time for him to leave the Office for preparing to start for Delhi, and he was completing some filing work and making over charge to the Despatch Clerk, B. K. Choudhury, he told the Welfare Officer that he had no time than to type out the General Notice. As regards the length of the document which the Deputy Agent sent for typing, according to O. P. Dubey it would take 2 to 3 hours to type out the same, but according to J. Dayal Jindal it was a document on a half sheet of foolscap paper which would take 5 to 10 minutes to type out. Since the document which was sent for typing has not been produced before the Tribunal, it is not possible to come to a finding as to the time which might be taken to type out the document; but whether the document was a long or short one the conclusion must be that the circumstances in which O. P. Dubey was not willing to do the typing did not show his intention to disobey the Order of a Superior Officer. The Enquiring Officer's finding, therefore, cannot be regarded as a finding which a reasonable person would have made in view of the evidence and the circumstances. The Deputy Agent did not think it necessary at the time to take any action against O. P. Dubey but merely asked for the typewriter machine to be sent to him. It is therefore surprising that the management should have thought it fit to draw up the chargesheet in respect of an alleged deliberate refusal to type out the Notice.

12. The chargesheet, dated 29th August, 1966 also mentioned that several times in the past, O. P. Dubey had similarly refused to type out documents of the

Management, and the Enquiring Officer in his report Ext. L, found that O. P. Dubey's past misconduct in refusing similarly to type certain letters on some occasion had been satisfactorily established. But the Deputy Agent in his examination in Chief did not mention such refusal in the past; in cross-examination, he was asked whether such instances had occurred in the past, and he said yes, but admitted that he had no document to prove that. In the circumstances, the finding made by the Enquiring Officer, without any discussion of the evidence on this point, must be held to be unsustainable. The Enquiring Officer may have been influenced by O. P. Dubey's fighting attitude during the inquiry, and his question whether he was a typist.

13. In respect of both the chargesheets, therefore, I hold that the finding not being a finding which could have been arrived at by a reasonable person on the evidence at the departmental enquiry, the punishment passed on such a finding cannot be held to be justified. The circumstances in which the chargesheets were drawn up lend support to the Union's contention that being annoyed with O. P. Dubey's Union activities, the management wanted to get rid of him, and therefore the Order of termination of his service amounted to victimisation.

14. I agree however with Shri S. S. Mukherjee that reinstatement in such a case would not be justified because of the strained relation between the management and the Head Clerk who occupies a position of Trust and cannot continue as such when the relationship of good will and confidence is shaken. Even after the termination of service there has been a good deal of trouble between the parties. There have been cases filed before the Magistrate, Asansol by the parties against one another, and on the application of Director, R. K. Goenka, proceedings under Section 107 Cr. P.C. have been started in the Court of Magistrate, Asansol vide Ext. B, certified copy of the Order sheet of Magistrate's record and Ext. B1 certified copy of the report of O.C., Jamuria, P.S. recommending that such proceedings be drawn up against O. P. Dubey and others. This report is dated 7th February, 1967. There were other complaints to the Police before the particular complaint by which proceedings under Section 107 Cr. P.C. were started, e.g. Ext. C, a complaint by the Director, dated 31st December, 1966 and Ext. D, another complaint dated 9th January, 1967. On the other hand, O. P. Dubey also made serious allegations against the management in his letter to the Additional District Magistrate, Asansol vide Ext. G, dated 20th October, 1966. I therefore hold that an Order of reinstatement would not be proper in the circumstances of the case and I would direct that compensation equal to pay and allowances from the date of termination of service, 13th October, 1966, to the date of the Award and for 3 months more as compensation for termination of service be given to O. P. Dubey.

15. In respect of the application under Section 33A of the Industrial Disputes Act, the contention of the Management that O. P. Dubey was not concerned in the dispute in Reference No. 103 of 1966 cannot be accepted. The Supreme Court has held that the expression "workmen concerned in such dispute" is not limited to the workman directly and actually concerned in such dispute, but including all workmen on whose behalf the dispute has been raised (AIR 1960 S.C. 875—New India Motors V K. T. Morris). The dispute in Reference No. 103 of 1966 was sponsored by the Union of which O. P. Dubey is a member. So he was concerned in that dispute too, and the Management should have filed an application for approval of the Order of termination of service. So the application under Section 33A was maintainable. The application could not succeed merely because of the Management's contravention of Section 33(2)(b); it would also have to be shown that termination of service as a punishment was unjustified. This has however already been considered in connection with the Reference.

16. My award, therefore, is that the termination of service of O. P. Dubey, Head Clerk with effect from 13th October, 1966 by the management of South Parasea Colliery was not justified. The management is directed to pay compensation to Shri O. P. Dubey at the rate of his monthly pay and allowance from the date of termination of service to the date of the award and for 3 months thereafter as compensation for such termination of service. The order of termination is also bad as that was in contravention of the provisions of section 32(2) (b) of the Industrial Disputes Act, but no further compensation or separate order is called for on the application under Section 33A of the Industrial Disputes Act.

(Sd.) S. K. SEN,

Presiding Officer.

Dated the 4th August, 1967

S.O. 2908.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Saltore Colliery of Messrs Bird & Company, Post Office Sijua, District Dhanbad, and their workmen, which was received by the Central Government on the 8th August, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. L11 OF 1966

PARTIES:

Employers in relation to the Saltore Colliery.

AND

Their workmen.

PRESENT:

Shri S. K. Sen

Presiding Officer

APPEARANCES:

On behalf of the Employers—Shri D. Narsingh Advocate.

On behalf of Workmen—Shri S. N. Banerjee, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/42/66-LR.II dated 14th June 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Saltore Colliery of Messrs Bird and Company, P. O. Sijua Distt. Dhanbad, and their workmen in respect of the matter mentioned in the following schedule:

“Whether the dismissal of Shri Basdeo Shaw, Pick-Miner with effect from the 27th November, 1965 by the management of Saltore Colliery was justified? If not, to what relief is he entitled?”

2. Basdeo Shaw, a pick-miner with 5 or 6 years of service at Saltore Colliery, was chargesheeted on 26th October 1965 on the allegation that on 21st October 1965 in the third shift he was found robbing a pillar. Basdeo submitted a reply denying that he had robbed the pillar and stating that he had stacked the coal cut by him on the previous day near the pillar in question, and that when he Mining Sirdar Bharat Banerjee came and accused him of robbing the pillar he explained to Bharat Babu that he had stacked the coal there on the previous day and he was only seeing to the removal of his coal loader and that he had not robbed the pillar in the reply he also alleged enmity with Bharat Banerjee. The enquiry was held by the Welfare Officer, B. K. Ghose on 5th November 1965; at the inquiry three witnesses were examined for the management and Basdeo also gave his statement but no defence witness was examined. On the same day the enquiring officer reported that the charge had been proved. The manager after obtaining the approval of the Agent passed an order of dismissal on 26th November 1965 and the same was served on Basdeo on 27th November 1965.

3. According to the union, the Colliery Mazdoor Congress the management did not recognise the branch of the Colliery Mazdoor Congress which was started at Saltore in May 1963 and adopted a policy of victimisation in order to disrupt the union and started frivolous proceedings against the leading workers of the new union. Basdeo was a leading member of the new union and a member of the Executive Committee of the Saltore Colliery branch of the union. Bharat Banerjee the Mining Sirdar was a member of the branch of the Colliery Mazdoor Union at Saltore and was working as a tool of the management for the disrupting the newly started branch of the Colliery Mazdoor Congress; and in spite of the true explanation which Basdeo had given to Bharat Banerjee that he was merely supervising the removal of coal stacked by him near the pillar, Bharat Banerjee falsely reported to the management that Basdeo had been robbing the pillar. As regards the enquiry the union stated that Basdeo was denied the opportunity of cross examining the management's witnesses and of producing his own defence witness, and that a prayer to the inquiry officer for a local inspection of the spot was wrongfully rejected. The union claimed reinstatement of the workman with back wages.

4. According to the management, though the management had recognised the Colliery Mazdoor Union, which was formed long before and not the Colliery Mazdoor

Congress, they had no intention of disrupting the newly formed Colliery Mazdoor Congress; and the chargesheet for robbing pillar was drawn up on the report of the Mining Sirdar and the enquiry was held in accordance with the principles of natural justice, the chargesheeted workman being given full opportunity to cross examine the management's witnesses and also to examine his defence witness, if any. As to local inspection, the management stated that no useful purpose would be served thereby. According to the management therefore, there is no reason for interference with the order of dismissal passed by the management, particularly in view of the fact that on a previous occasion Basdeo Shaw had been chargesheeted for robbing pillar and punished with 10 days' suspension. The management also raised a preliminary objection that the reference was not maintainable as the dispute was an individual dispute.

5. As regards the preliminary objection, it is now provided by Section 2A of the Industrial Disputes Act which came into force on 1st December 1965 that even a dispute arising from a discharge or dismissal of a single workman shall be deemed to be an industrial dispute. Shri D. Narsingh, appearing for the management has submitted that the order of dismissal in this case became effective on 27th November 1965 before the Sec. 2A came into force. But the union, the Colliery Mazdoor Congress, took up the case of dismissed workman and conciliation proceedings took place long after 1st December 1965. The reference was also made on 14th June 1966 long after Section 2A had come into force. In the circumstances it must be held that there is substance in the preliminary objection raised. There is further the evidence adduced by PW1 Mahendra N. Singh, Organising Secretary of the Colliery Mazdoor Congress that Basdeo Shaw had become a member of the new union shortly after it was established in May 1963 and that he became a committee member in August or September, 1965. Accordingly, the Colliery Mazdoor Congress could properly take up his case.

6. As to the merits, since the evidence shows that Basdeo became a committee member of the new union in August or September 1965, it is not likely that in October 1965 he was proceeded against in order to victimise him for his trade union activities. No evidence has been adduced of any particular activity for his trade union by Basdeo Shaw. Accordingly the allegation of victimisation for trade union activities must be rejected. The next question is whether the enquiry was properly held. The enquiry was challenged in the written statement of the union by stating that no opportunity was given Basdeo Shaw to cross examine management's witnesses and that no opportunity was given to examine any defence witness and that prayer for local inspection was rejected. The enquiring officer, B. K. Ghose, deposed as MW1. He stated that after examination of each of the 3 management's witnesses he gave opportunity to Basdeo to cross examine the witness but Basdeo declined to cross examine. This fact was also recorded by the Enquiring Officer in the enquiry proceedings. Ext. E. As regards the defence witness also, Shri Ghose's evidence is that after examining Basdeo he asked him to produce defence witness if any but Basdeo said that he had no witness to produce for his own defence. He did not in particular say that he wanted to examine one Rameswar Shaw, a loader. Before the tribunal Rameswar Shaw has been examined on behalf of the union as PW 2. He stated that he was present underground when the Mining Sirdar Bharat Banerjee accused Basdeo Shaw of robbing the pillar, and that Basdeo had asked him to depose on his behalf at the enquiry, and that he went to attend the enquiry but he was kept waiting outside and was not called in, and that he subsequently learnt from Basdeo that when Basdeo asked the enquiring officer to call him and examine him, the enquiring officer said that as it had become very late, no witness could then be examined, but Basdeo had nothing to worry about. But Rameswar Shaw stated that he went to attend the enquiry at 5 P.M. one day. The enquiry notice as well as the evidence of the Enquiring officer B. K. Ghose shows that the enquiry was commenced at 10 A.M. Accordingly when Basdeo Shaw said that he went to attend the enquiry at about 5 p.m. and was kept waiting outside, it is clear that he was giving false evidence, and so it is clear that Rameswar Shaw could not have been called by Basdeo Shaw as a witness at the enquiry. I must, therefore, find that there is no substance in the allegation that the enquiry officer did not give Basdeo an opportunity to cross examine the management's witnesses or to examine a defence witness. As regards the prayer for local inspection B. K. Ghose stated before the tribunal that Basdeo made no such request to him during the enquiry, and that even if he had made such a request the enquiring officer would not have allowed the same, as 15 or 16 days after the incident no useful purpose could be served by inspecting the pillar. In the written statement filed on behalf of the management, however, in paragraph 3 Sub-Paragraph (i) it was admitted that the request of the workman for inspection of the working place was not granted by the enquiring officer. In view of that written statement the evidence of the enquiring officer that during the enquiry the workman had not asked for a local inspection cannot be accepted as true. From this Sri S. N. Banerjee has urged that the

whole evidence of the enquiring officer as to the manner in which he held the enquiry should be rejected. I do not however agree that the whole evidence of the enquiring officer should be rejected. His evidence so far as it is supported by the contemporary record made at the time i.e. the enquiry proceedings must be accepted as true. That being so, I must hold that the enquiry was held in accordance with the principles of natural justice. As to local inspection, it is for the enquiring officer to decide in every case whether it would serve a useful purpose. The refusal to hold a local inspection does not in any way vitiate a departmental enquiry.

7. Shri Banerjee has urged that certain documents were tendered as evidence at the departmental enquiry, and Basdeo was not given copies of the documents in advance and that this also vitiated the enquiry. He had referred in this connection to a decision of the Supreme Court, 1963 II LLJ 331, Keshoram Cotton Mills V Gangadhar. The Supreme Court in that case discussed the fairness of an inquiry in which a prepared statement had been read out by the principal witness for the management and then the workman had been asked to cross examine the witness. The Supreme Court held that workman being mostly illiterate, if a prepared statement was read out by the management's witness and then the workman was asked to cross examine him, it could not be said that the rule of natural justice had been followed; that there must be oral examination from the beginning in the presence of the workman, or else, if a prepared statement has to be used a copy thereof should be given in advance to the workman. In the present case none of the witnesses read out a prepared statement, out of the three witnesses examined by the management two witnesses spoke about the occurrence, viz., the Mining Sirdar Bharat Banerjee and a Timber mistry Sarju Shaw. The third witness, B. P. Singh, a clerk of the colliery office, proved office copies of previous letters of warning or orders of suspension against Basdeo Shaw. These documents had nothing to do with the facts of the charge. Moreover, most of the documents bore the signature of Basdeo Shaw to show that at the time when they had been prepared he had received copies thereof, though not just before the present enquiry. For instance, the previous order of 10 days' suspension for robbing a pillar had been passed on 11th February, 1965 and Basdeo's signature with the date 12th February, 1965 appears on the office copy of that order which was produced by the clerk, B. P. Singh at the domestic enquiry held by the Welfare Officer on 5th November, 1965. Other orders proved related to warning or short suspension for disobedience of order of superior officers. It cannot be said that the production of these documents prejudiced the chargesheeted workman at the enquiry.

8. Shri Banerjee has next urged that the enquiring Officer used the documents showing the previous conduct of Basdeo Shaw in coming to his finding on the present charge and that therefore the finding must be deemed to be vitiated. The enquiring officer in his report, Ext. F, first summarised the evidence of the three witnesses for the management and the statement given by Basdeo and then observed as follows, "I have carefully gone through the above deposition and also the past record of Shri Basdeo Shaw and I am inclined to believe the prosecution story. From the record it was evident that the accused was robbing the pillar and was caught red handed. I therefore hold him guilty of the charge. Since the charge is of serious nature and he has committed repeatedly, I recommend severe punishment this time." Thus the enquiring officer referred to the past record, but his finding as to the present charge was not based on the past record, because from the evidence he came to the conclusion that the accused was robbing the pillar was caught red handed. There is nothing to indicate that the enquiring officer believed the present charge of robbing the pillar merely because on a previous occasion Basdeo had been suspended for 10 days for robbing a pillar. He accepted the evidence given in connection with the present incident that Basdeo was actually seen by the Mining Sirdar and by a timber mistry robbing a pillar. Accordingly, I do not find any substance in this contention of Shri Banerjee.

9. It may be mentioned that PW 2 Rameswar Shaw claimed to have heard Sarju Shaw, the timber mistry who was called by the Mining Sirdar to the pillar to show the robbing, as saying that he would state whatever the Mining Sirdar asked him to state. I have already pointed out that the evidence of witness Rameswar Shaw cannot be accepted as true. It is not possible to accept his evidence that in his presence and in the presence of Basdeo, Sarju Shaw should have stated that he would say whatever the Mining Sirdar asked him to say.

10. I find that the enquiry was held in accordance with the principles of natural justice and in view of the previous record of Basdeo Shaw the punishment of dismissal cannot be regarded as unduly severe.

11. My award therefore is that the dismissal of Shri Basdeo Shaw, Pick-Miner, with effect from 27th November, 1965 by the management of Saltore colliery was justified and therefore the workman is not entitled to any relief.

Dated Calcutta,

(Sd.) S. K. SEN,

The 4th August, 1967.

Presiding Officer.

[No. 6/42/66-LRII.]

S.O. 2909.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Katras Choitudih Colliery of Messrs Barakar Coal Company Limited, Post Office, Katrasgarh, District Dhanbad, and their workmen, which was received by the Central Government on the 9th August, 1967.

**BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL,
DHANBAD**

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

REFERENCE No. 105 OF 1967

PARTIES:

Employers in relation to the Katras Choitudih Colliery of Messrs Barakar Coal Company Limited, Post Office, Katrasgarh, District Dhanbad.

AND

Their Workmen.

PRESENT.

Shri Nandagiri Venkata Rao, Presiding Officer.

APPEARANCES:

For the Employers—Shri S. K. Singh, Assistant Labour Officer.

For the Workmen—Shri T. N. Jha, concerned workmen.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 5th August, 1967

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Katras-Choitudih Colliery of Messrs Barakar Coal Company Limited, Post Office, Katrasgarh, District Dhanbad and their workmen, by its Order No. 2/2/66-LRII, dated 3rd February, 1966 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the management of Katras-Choitudih Colliery of Messrs Barakar Coal Company Limited was justified in dismissing Shri Tirath Jha, Fan Khalasi, with effect from the 9th November, 1965? If not, to what relief is the workman entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No 2 of 1966 on its file. No statement of demands was filed by either of the parties. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its Order No. 8/25/67-LRII, dated 8th May, 1967 under section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as Reference No. 105 of 1967.

3. On 19th July, 1967 a compromise memo¹ was received on behalf of the parties. Notices were issued to the parties for its verification. On 3rd August, 1967 no one was present on behalf of the workmen inspite of service of notice on the Secretary, Colliery Mazdoor Sangh, Dhanbad, but the concerned workman Shri T. N. Jha was present in person. The employers were represented by Shri S. K. Singh, Assistant Labour Officer. They have verified duly the compromise memo. As per the terms of the compromise the workman is to be

reinstated and the concerned workman is to forgo his wages and other emoluments with effect from 9th November, 1965 to the date of his reinstatement. Shri T. N. Jha, the concerned workman has further stated that he has been reinstated to his previous job with effect from 18th July, 1967. I consider the terms as fair and reasonable and for the benefit of the concerned workman. The compromise is, therefore, accepted and the award is made in terms of the compromise and submitted under section 15 of the Industrial Disputes Act, 1947. The compromise memo is annexed herewith and forms part of the award.

(Sd.) N. VENKATA RAO

Presiding Officer.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of an Industrial Dispute referred for adjudication by the Government of India, Notification No. 2/2/66-LRII, dated the 3rd February, 1966.

REFERENCE No. 20 OF 1966

PARTIES:

Employers in relation to Katras-Choitudih of Barakar Coal Co. Ltd.

AND

Their Workmen.

The parties above-named most respectfully beg to state that the parties have settled the dispute on the following terms:

Terms

- (a) That the Employers will take Shri Tirath Narain Jha, the workman concerned, back into service if he reports for work to the Manager of Katras-Choitudih Colliery within 2 weeks of the date of this settlement.
- (b) That the period of unemployment of Shri Tirath Narain Jha from the date of his dismissal of 9th November, 1965 to the date of his resumption of duty as per para 1 above will be treated as leave without pay.
- (c) That the parties will bear their own costs.

It is, therefore, humbly prayed that the Hon'ble Tribunal may be graciously pleased to admit this settlement and pass an award in the same terms.

For the Workmen:

B. P. SINHA,
Vice-President

Colliery Mazdoor Sangh.

T. N. JHA

Workman concerned.

Dated the 18th July, 1967.

For the Employers:

J. L. SINHA,
Group Personnel Officer,

M/s. Bird & Co. (P) Ltd.,

Mg. Agents M/s. Barakar Coal Co. Ltd.

[No. 2/2/66-LRII.]

S.O. 2910.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the Industrial Dispute between the employers in relation to the New Tetturya Colliery of Messrs Tentulia Khas Collieries Limited, Post Office Malkera, District Dhanbad, and Messrs Karamchand Thapar and Brothers (Private) Limited, Thapar House, 25 Brabourne Road, Calcutta and their workmen, which was received by the Central Government on the 9th August, 1967.

**BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL,
DHANBAD**

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 38 of 1967

PARTIES :

Employers in relation to the New Tetturya Colliery of Messrs Tentulia Khas Collieries Limited, Post Office, Malkera, District Dhanbad, and Messrs Karamchand Thapar and Brothers (Private) Limited, Thapar House, 25, Brabourne Road, Calcutta.

AND

Their Workmen.

PRESENT :

Sri Nandagiri Venkata Rao, Presiding Officer.

APPEARANCES :

For the Employers—Shri K. C. Nandkeolyar, Deputy Chief Personnel Officer.

For the Workmen—Shri S. Dasgupta, Secretary, Colliery Mazdoor Sangh.

STATE: Bihar

INDUSTRY: Coal.

Dhanbad, the 4th August, 1967

AWARD

The Central Government, being of opinion that an Industrial Dispute exists between the employers in relation to the New Tetturya Colliery of Messrs Tentulia Khas Collieries Limited, Post Office Malkera, District Dhanbad, and Messrs Karamchand Thapar and Brothers (Private) Limited, Thapar House, 25, Brabourne Road, Calcutta of the one part and their workmen of the other part, by its Order No. 1/8/65-LRII, dated 29th April, 1965 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below :

SCHEDULE

"(1) Whether the action of the management of the New Tetturya Colliery of Messrs Tentulia Khas Collieries Limited and Messrs Karamchand Thapar and Brothers (Private) Limited, in dismissing S/Shri Shyamlal Dusad, Fireman and Satnarayan Passi, Winding Engine Khalasi, from service with effect from the 13th February, 1965, amounts to an act of victimisation?

(2) If so, to what relief are the workmen or either of them entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 75 of 1965 on its file. Workmen filed their statement of demands. No statement of demands was filed by the employers. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its Order No. 8/25/67-LRII, dated 8th May, 1967 under section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently, the reference is renumbered on the file of this Tribunal as Reference No. 38 of 1967.

3. The workmen are represented by Shri S. Dasgupta, Secretary, Colliery Mazdoor Sangh and the employers by Shri K. C. Nandkeolyar, Deputy Chief Personnel Officer. The parties have filed a compromise memo stating that the two concerned workmen have been reinstated to their original posts with continuity of service and that the parties have agreed that the period of idleness of the two concerned workmen from the date of termination of duty till the date of resumption will be treated as leave without pay, and that for the purpose of earned annual leave and bonus they will be treated as if on duty for the said period. The compromise memo is duly verified. The compromise appears to me fair and in the interests of the concerned workmen. It is therefore, accepted. The award is made in forms of the compromise and submitted under section 15 of the Industrial Disputes Act, 1947. The compromise memo is annexed hereto and made part of the award.

(Sd.) N. VENKATA RAO,
Presiding Officer.

ANNEXURE 'A'

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 75 OF 1965

A. T. REFERENCE No. 38 OF 1967

Employers in relation to M/s. Tentulia Khas Collieries Ltd., New Tetturya Colliery, P.O. Malkera (Dhanbad)

AND

Their workmen, represented by the Colliery Mazdoor Sangh, Dhanbad.
Joint Petition on behalf of the management of M/s. Tentulia Khas Collieries Ltd., New Tetturya Colliery, P.O. Malkera (Dhanbad) and their workmen represented by the Colliery Mazdoor Sangh, Dhanbad.

That the petitioners above named respectfully beg to submit as under:—

(1) That the above reference is fixed before this Hon'ble Tribunal for to-day the 18th July, 1967.

(2) That the petitioners have, by an agreement, dated 4th August, 1965 already settled the dispute on the following terms and conditions:—

"It is agreed that the following workmen shall be reinstated in their original jobs with continuity of service. The period of their idleness from the date of termination of duty till the date of resumption will be treated as leave without pay. For the purpose of earned annual leave and bonus, they should be treated as if on duty for the said period:—
 Shri Satyanarain Passi, Winding Engine Khalasi, and Shri Shyamlal Dusad, Fireman.

In case any workman is unable to report for work immediately, he shall be given 21 days' time to do so".

(3) That the said agreement has already been implemented fully by the management and that there is no dispute between the employers and the workman now.

In view of the above, it is prayed that the Hon'ble Tribunal will be gracious to pass an Award in terms of the above settlement And for this, the petitioners as in duty bound shall ever pray.

(Sd.) S. DAS GUPTA,
 Secretary.

K. C. NANDKEOLYAR,
 Dy. Chief Personnel Officer,

Colliery Mazdoor Sangh, Dhanbad.

(For the Workmen)

The 18th July, 1967.

For the Management of

M/s. Tentulia Khas Collieries Ltd.,
 New Tetturya Colliery.

[No. 1/8/65-LRII.]

New Delhi, the 16th August 1967

S.O. 2911.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Murulidih Colliery, Post Office Mohuda, District Dhanbad, and their workmen, which was received by the Central Government on the 10th August, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, JABALPUR

Camp at Ranchi

Dated July 28, 1967

PRESENT.

Sri G. C. Agarwala—Presiding Officer.

REFERENCE No. 22 OF 1964 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R) (14)/67 (JABALPUR TRIBUNAL)

In the matter of an industrial dispute between the workmen and the employers of the concern known as Murulidih Colliery, Post Office Mohuda, District Dhanbad (Bihar).

APPEARANCES:

For the employers.—Sri K. V. Aiyar, Deputy Legal Adviser of the Company

For the workmen.—Sri S. V. Acharior, General Secretary, Hindustan Kham Mazdur Sangh, H.O. Murulidih, (Regd. No. 111).

INDUSTRY: Coal Mine.

DISTRICT: Dhanbad (Bihar).

AWARD

By notification No. 2/91/63-LR-II dated 7th February 1964, the following matter of dispute as stated in the schedule to the order of reference was referred to the Central Government Industrial Tribunal, Dhanbad, for adjudication by the Ministry of Labour & Employment from where the case was transferred to this Tribunal by Notification No. 8/25/67-LR-II dated April 25, 1967:—

Matter of Dispute

Whether the retrenchment of the following 47 wagon loader and 4 shale pickers by the management of Murulidih Colliery of Messrs Bengal Coal Company (Raising Contractor Messrs Kalyanji Mavji and Company) is justified, while new persons are being recruited in 3 and 4 inclines (20 and 21 pits) of the same colliery? If not to what relief are the workmen entitled.

| | | | |
|-----|------------------------------|----|----------|
| 1. | Shrimati Rabni Mahatan | .. | D/229144 |
| 2. | Shrimati Chhutni Harin | .. | D/240811 |
| 3. | Shrimati Mangli Mahatan | .. | D/274500 |
| 4. | Shrimati Khirja Mahatan | .. | D/212689 |
| 5. | Shrimati Darsani Ghatwarin | .. | D/229190 |
| 6. | Shrimati Gangia Mejhan | .. | D/229149 |
| 7. | Shrimati Bhukhli Mahtan | .. | D/199304 |
| 8. | Shrimati B. Upasi Ghatwarin | .. | D/240844 |
| 9. | Shrimati Mandua Rajoarin | .. | D/240814 |
| 10. | Shrimati Kusum Rajoarin | .. | D/237893 |
| 11. | Shrimati Kamini Rajwarin | .. | D/240813 |
| 12. | Shrimati Julu Mejhan | .. | D/199308 |
| 13. | Shrimati Ch. Jiria Chatwarin | .. | D/190072 |
| 14. | Shrimati Sudhni Ghatwarin | .. | D/229148 |
| 15. | Shrimati Sarbatia Mejhan | .. | D/361672 |
| 16. | Shrimati Budhni Mejhan | .. | D/274497 |
| 17. | Shrimati Sukarmani Mejhan | .. | D/274498 |
| 18. | Shrimati Rani Mejhan | .. | D/361673 |
| 19. | Shrimati Fulmani Mejhan | .. | D/361675 |
| 20. | Shrimati Sarthi Mejhan | .. | D/251385 |
| 21. | Shrimati Surodhani Mejhan | .. | D/288031 |
| 22. | Shrimati Keshari Mejhan | .. | D/363433 |
| 23. | Shrimati Sarua Ghatwarin | .. | D/287365 |
| 24. | Shrimati Karuna Ghatwarin | .. | D/367150 |
| 25. | Shrimati Sajani Ghatwarin | .. | D/373434 |
| 26. | Shrimati Ch. Jabuna Mahatan | .. | D/373436 |
| 27. | Shrimati Kadni Mahatan | .. | D/205592 |
| 28. | Shrimati Binati Bowrin | .. | D/229060 |
| 29. | Shrimati Bhadi Bowrin | .. | D/256639 |
| 30. | Shrimati Azadla Nunia | .. | D/299290 |
| 31. | Shrimati Susni Turin | .. | D/229057 |
| 32. | Shrimati Luknia Mahatan | .. | D/237809 |
| 33. | Shrimati Runia Mahatan | .. | D/229153 |
| 34. | Shrimati Rashmani Mejhan | .. | D/288405 |
| 35. | Shrimati Samri Nuniani | .. | D/361681 |
| 36. | Shrimati Budhni Bhuiyani | .. | D/229201 |
| 37. | Shrimati Lakhua Bhuiani | .. | D/361680 |
| 38. | Shrimati Lachmania Bhuiani | .. | D/229159 |
| 39. | Shrimati Charki Dewsalin | .. | D/232432 |
| | Loading Kamins | | |
| 40. | Sri Srikantha Gope | .. | D/292435 |
| 41. | Sri Charka Roy | .. | D/292435 |
| 42. | Sri Dudheswar Dusad | .. | D/361677 |
| 43. | Sri Rajdeo Shaw | .. | D/393575 |
| 44. | Sri Ch. Birju Bhuiya | .. | D/240820 |
| 45. | Sri Jageswar Bhuiya | .. | D/373438 |
| 46. | Sri Chhatu Bhuiya | .. | D/229150 |
| 47. | Sri Bighan Mahato | .. | D/199314 |
| | Loading Mazdoors | | |

| | | |
|--|----|----------|
| 48. Sri Giridhari Singh | .. | D/205575 |
| 49. Sri Chhutu Manjhi | .. | D/267361 |
| 50. Shrimati Surji Mejhan | .. | D/151416 |
| 51. Shrimati Bhadi Bawrin Shale Pickers | .. | D/164707 |

The real dispute regarding the justifiability of retrenchment of the workmen mentioned in the Schedule was between Raising Contractors M/s. Kalyanji Mavji and Company and their workmen represented by Hindustan Khan Mazdoor Congress. The employers, Bengal Coal Company the owners while filing their written statement before the Dhanbad Tribunal specifically pleaded that they were not the employers of the workmen concerned. M/s. Kalyanji Mavji and Company admitted this position in their written statement before the Dhanbad Tribunal. As a matter of fact, the Union, Hindustan Khan Mazdur Sangh, did not dispute this position. After the few hearings before the Dhanbad Tribunal when the case was first taken up by this Tribunal on 24th May 1967 the Union and M/s. Kalyanji Mavji and Company requested for time to compromise which was extended on two further dates. On this date, the 28th July, 1967, the parties eventually compromised the dispute and have filed a compromise petition, terms of which are reproduced in the annexure. The petition has been duly verified before me. On a perusal of the terms of settlement it appears that this is a just and fair negotiated settlement between the parties. The settlement is, therefore, accepted and an award is recorded in terms thereof.

(Sd.) G. C. AGARWALA,
Presiding Officer.
28-7-67

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT (CENTRAL), JABALPUR

Camp: Ranchi

ADJUDICATION CASE NO. CGIT/LC(R) (14)/67

PARTIES:

Employers in relation to Murulidih Colliery, Post Mohunda, District
Dhanbad

AND

Their Workmen

In the matter of Notice No. CGIT/LC(R)(14) of 1967 Dated 14th July 1967

The parties to the dispute most respectfully submit as under:

1. That subsequent to filing their joint petition dated 22nd May, 1967, for extension of time and their subsequent telegram dated 13th July, 1967, negotiations were continued as a result of which the following amicable settlement has been reached.

(1) Out of the 51 workmen whose names are listed in the Ministry of Labour & Employment, New Delhi, order of Reference No. 2/91/63-LR.II dated 7th February, 1964, Jelu Majhian, D/199308 (Serial No. 12) and Chhutu Manjhi, D/267361 (Serial No. 49) are dead and the following 33 workmen, after taken their retrenchment compensation, have left the Colliery for good. Their cases are, hereby dropped.

| Sl. No. | Names | |
|---------|------------------------------|-------------|
| 5. | Shrimati Darsani Ghatwarin | .. D/229190 |
| 6. | Shrimati Gangia Mejhan | .. D/229149 |
| 7. | Shrimati Bhukhli Mahtan | .. D/199304 |
| 8. | Shrimati B. Upasi Ghatwarin | .. D/240844 |
| 9. | Shrimati Mandua Rajoarin | .. D/240914 |
| 10. | Shrimati Kusum Rajoarin | .. D/237893 |
| 13. | Shrimati Ch. Jiria Ghatwarin | .. D/190072 |
| 14. | Shrimati Sudhni Ghatwarin | .. D/229148 |
| 22. | Shrimati Keshari Mejhan | .. D/363433 |
| 23. | Shrimati Sarua Ghatwarin | .. D/287365 |
| 24. | Shrimati Karuna Ghatwarin | .. D/367153 |
| 25. | Shrimati Sajani Ghatwarin | .. D/373434 |

| Sl. No. | Names | |
|---------|----------------------------|-------------|
| 26. | Shrimati Ch Jabuna Mahatan | .. D/373436 |
| 27. | Shrimati Kadni Mahatan | .. D/205592 |
| 28. | Shrimati Binati Bowrin | .. D/229060 |
| 29. | Shrimati Bhadi Bowrin | .. D/256639 |
| 31. | Shrimati Susni Turin | .. D/229057 |
| 32. | Shrimati Luknia Mahatan | .. D/237809 |
| 33. | Shrimati Runia Mahatan | .. D/229153 |
| 34. | Shrimati Rashmani Mejhan | .. D/238405 |
| 35. | Shrimati Samri Nuniani | .. D/361681 |
| 36. | Shrimati Budhni Bhuiani | .. D/229201 |
| 37. | Shrimati Lakhua Bhuiani | .. D/361680 |
| 39. | Shrimati Charki Dewsalin | .. D/232432 |
| 41. | Sri Chakru Roy | .. D/292435 |
| 42. | Sri Dudheswar Dusad | .. D/361677 |
| 43. | Sri Rajdeo Shaw | .. D/393575 |
| 44. | Sri Ch. Birju Bhuiya | .. D/240820 |
| 45. | Sri Jageswar Bhula | .. D/373438 |
| 46. | Sri Chhatu Bhulya | .. D/229150 |
| 47. | Sri Bighan Mahato | .. D/199314 |
| 50. | Shrimati Surji Mejhan | .. D/151416 |
| 51. | Shrimati Bhadi Bawrin | .. D/164707 |

(2) Out of the 16 remaining workmen thus left, the following 3 workmen, who are now resident at the colliery premises will accept their retrenchment monies, in full and final settlement of their claims against the employers arising from the present Reference. Their monies shall be paid by the employers within 15 days of receipt of the Award of the Hon'ble Tribunal:

| Sl. No. | Names | |
|---------|-----------------------------|-------------|
| 4. | Shrimati Khirja Mahatan | .. D/212689 |
| 11. | Shrimati Kamini Rajwarin | .. D/240813 |
| 38. | Shrimati Lachhmania Bhuiani | .. D/229159 |

(3) Smt. Azadia Nunja, D/299290 (Serial No. 30), who is also now resident at the colliery premises, shall be paid at the same time as Para 2 above an *ex-gratia* amount of Rs. 100/- in full and final settlement of her claim against the employers arising from the present reference.

(4) As regards the remaining 12 workmen left, whose names are given below:

| Sl. No. | Names | |
|---------|---------------------------|-------------|
| 1. | Shrimati Rabni Mahatan | .. D/229144 |
| 2. | Shrimati Chhutni Harin | .. D/240811 |
| 3. | Shrimati Mangli Mahatan | .. D/274500 |
| 15. | Shrimati Sarbatia Mejhan | .. D/361672 |
| 16. | Shrimati Budhni Mejhan | .. D/274497 |
| 17. | Shrimati Sukarmani Mejhan | .. D/274498 |
| 18. | Shrimati Rani Mejhan | .. D/361673 |
| 19. | Shrimati Fulmani Mejhan | .. D/361675 |
| 20. | Shrimati Sarthi Mejhan | .. D/251385 |
| 21. | Shrimati Surodhani Mejhan | .. D/288031 |
| 40. | Sri Srikanta Gope | .. D/292435 |
| 48. | Sri Giridhari Singh | .. D/205575 |

the retrenchment notices earlier served on them on 5th October, 1963, shall be treated as cancelled and they shall be taken back into their original respective employments as Wagon Loaders or Shale-pickers as the case may be with effect from 3rd October 1967 with continuity of service provided that the intervening period from 10th November 1963 that is the dates of their retrenchment will and including 2nd October 1967 shall be treated as leave without pay.

II. The parties to the dispute will bear their respective costs.

III. The Parties hereby jointly pray to the Hon'ble Tribunal to kindly pass an Award in terms of the foregoing settlement which they submit is in the best interest of the employers and the workmen.

IV. For which act of kindness the Parties abovenamed shall ever pray.

For Workmen.

Hindustan Khan Mazdoor Sangh,
(Sd.) Illegible.
General Secretary.

For Employees:

For Kalyanji Mavji & Co.
Murulidih Colliery,
(Sd.) Illegible
Partner.

Witnesses:

1. (Sd.) Illegible

Dy. Labour Adviser.

Dated 27th July, 1967

(Sd.) Illegible.

28-7-67.

(Sd.) Illegible

28-7-67.

Verified before me.

(Sd.) G. C. Agarwala,

Presiding Officer

Industrial Tribunal-cum-Labour Court (C),

Jabalpur.

28-7-67.

[No. 2/91/63-LRII.]

S.O. 2912.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Ghusick Workshop and Muslia Colliery of Messrs Ghusick and Muslia Collieries Limited and their workmen, which was received by the Central Government on the 10th August, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 130 of 1966.

PARTIES:

Employers in relation to the Ghusick Workshop and Muslia Colliery

AND

Their workmen

PRESENT:

Shri S. K. Sen.—*Presiding Officer.*

APPEARANCES:

On behalf of Employers.—Shri M. P. Roy.

On behalf of Workmen.—Shri A. N. Singh.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/52/66-LR. II dated 5th November, 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Ghusick Workshop and Muslia Colliery of Messrs Ghusick and Muslia Collieries Limited and their workmen in respect of the matters specified in the following schedule:

“Whether the management of Ghusick Workshop and Muslia Colliery of Ghusick and Muslia Collieries Limited, was justified in not allowing Sarvashri N. K. Saha, B. C. Kamar, H. N. Singh, Mining Sirdars and Harihar Sirdar, Saitan Singh, Night Guards, Muslia Colliery and Ramdas Roy, CCM Fitter, Jit Narayan Dhobi, Fitter Supervisor, Balbhadra Jah, Fitter, Golak Karmakar, Lathman and Narsain Ch. Singh, Cap Lamp Incharge of Ghusick Workshop to enjoy the facility of sixteen days sick leave with full wages in a year? If not, to what relief are they entitled?”

2 Out of the 10 workmen concerned, 5 are employed at Muslia Colliery and 5 at Ghusick Workshop. According to the written statement of the union the Colliery Mazdoor Congress Gorai Mansion, Asansol, all the 10 workmen are monthly paid employees and they were employed before the Das Gupta award came into force and therefore they are entitled to sick leave with full pay and allowances for 16 days in a year, according to the practice which used to prevail at the colliery and workshop under the control of Messrs Ghusick and Muslia Collieries Limited, but the management have wrongfully refused them 16 days' sick leave with full wages in a year. According to the management the 10 workmen were either appointed as monthly paid workmen for the first time or promoted to the category of monthly paid staff after the Das Gupta award had come into force, and accordingly the management are entitled to follow the Das Gupta award in respect of sick leave in respect of these employees, namely upto 14 days' sick leave in a year with half pay and allowances. In paragraphs 6 and 7 of the written statement, the management said that workmen appointed as monthly rated or converted to monthly rated workmen after 26th May, 1956, are being paid sick khoraki or sick leave pay at the rate of 50 per cent of the total remuneration for 14 days in a year and that the enjoyment of 16 days' sick leave with full pay has been treated as the personal privilege of the monthly rated workmen appointed or converted prior to 26th May, 1956.

3. On behalf of the union Shri A. N. Singh has relied largely on an award by Shri L. P. Dave made on 13th March, 1963, relating to two workmen employed at New Ghusick Colliery; Shri Dave's award being that the two workmen were entitled to the privilege of 16 days' sick leave with full pay and allowances. On behalf of the management two witnesses have been examined and certain documents have been proved to show the date of appointment or promotion to the monthly paid category of the workman concerned.

4. Shri M. P. Roy appearing on behalf of the management spoke of 26th May, 1956, as the crucial date and said that those appointed or promoted to the monthly paid category before that day were entitled to the privilege of 16 days' sick leave with full pay while those appointed after that day were only entitled to sick leave with half the total remuneration for 14 days as provided by the Das Gupta award. But it appears that Shri M. P. Roy as well as the management made a mistake about the crucial date. It is the Mazumdar award or the award of the All India Industrial Tribunal (Colliery Disputes) which was published on 26th May, 1956, and came into effect from that day. The award under the arbitration agreement referred to Shri A. Das Gupta was made on 30th December, 1959. By the arbitration agreement, which is printed as Appendix 'A' of the Colliery Disputes Arbitration Award of Shri A. Das Gupta, Shri Das Gupta was charged with the duty of determining which of the demands in the list mentioned in Annexure II of the agreement arose out of the Mazumdar award as modified by the L.A.T. decision and which of them did not arise out of the award. In respect of the issues found by Shri Das Gupta to arise out of the Award, he was to decide whether his decision should or should not have retrospective effect. In respect of issues found by him not covered by the Mazumdar award as modified by the LAT decision Shri Das Gupta's decision would not have retrospective effect. The issue relating to sick leave pay or sick khoraki was dealt with as issue No. 15 by Shri Das Gupta. In paragraph 2 under that issue Shri Das Gupta observed that sick khoraki was not a subject matter of adjudication before the Mazumdar Tribunal and necessarily it could not come up before the Labour Appellate Tribunal in appeal and hence no question of giving retrospective effect to Shri Das Gupta's decision on sick leave and sick khoraki would arise. In other words, Shri Das Gupta's decision would take effect only from the date of his award 30th December, 1959. Accordingly, the monthly paid workmen appointed or promoted to that category before 30th December, 1959, must be held entitled to 16 days sick leave with full pay and allowances, that having been the admitted practice of establishments under Messrs Ghusick and Muslia Collieries Ltd., before the Das Gupta award came into force.

5. Of the 5 workmen employed in Muslia Colliery, it appears from the evidence of MW-1 Saral Srimany, taken with Exts. A, A1 and A2 that H. K. Saha, Mining Sirdar (not N. K. Saha as mentioned in the order of Reference), R. C. Kumar, Mining Sirdar and H. N. Singh, Mining Sirdar were appointed respectively on 10th January, 1964, 12th August, 1965, and 8th March, 1964. As regards Harihar Sirdar, Night Guard, MW 1 stated that he started work at Muslia Colliery in 1950 or 1952 and worked there until 1958 after which he was appointed at Ghusick Colliery. The witness could not say whether his service at Ghusick Colliery was deemed to be continuous with his old service at Muslia. But even if he was first appointed in 1958, he would be entitled to the privilege of the old practice. As regards Saitan Singh, Night Guard, MW 1 said that he was in service when MW 1

joined, but he was appointed sometime after 1956. The exact date of appointment not being given, it must be presumed in favour of the workmen that he was appointed before December, 1959. MW 2 B. M. Pawar Workshop Manager of Ghusick Workshop has spoken about 4 of the Workmen employed at the Ghusick Workshop. According to his evidence, taken with the B Form Register for 1960, Ext. D, it appears that Ramdas Roy, Fitter, was appointed for first time on 27th November, 1947, but Ext. C shows that he was converted into a monthly paid worker with effect from 1st September, 1958. As regards Jitnarayan Dhobi, Fitter Supervisor, his date of appointment according to the B Form register and the evidence of MW 2 is 11th June, 1957. As regards Balbhadra Jha, Fitter, his date of appointment appears to be 8th June, 1953 and as regards Golak Karmakar, Latheman, his date of appointment appears to be 7th October, 1958. All these workmen are therefore entitled to the benefit of old practice of the Company. As regards the last workman of the group, Narain Ch. Sinha, Cap Lamp Incharge, at the Workshop, evidence about him was given by MW 1. He said that Narain Ch. Sinha was appointed sometime after 1956, the exact date not being known to the witness, but he was promoted as Cap Lamp Incharge with effect from 1st August, 1965, vide Agent's order, Ext. B. It appears from Ext. B that the Cap Lamp Incharge is placed in the clerical grade No. 11. There are, however, 3 grades into which the clerical staff are divided at the collieries. It is reasonable to presume that Narain Ch. Sinha was a clerk of Grade III before he got this promotion to grade II as Cap Lamp Incharge, and in the absence of definite evidence as to the date of his appointment, it must be presumed that he was appointed before December, 1959.

6. The result therefore is that except the first three workmen, H. K. Saha, B. C. Kumar and H. N. Singh, the other seven workmen are entitled to the benefit of old practice of 16 days' sick leave with full pay and allowances. As regards the first three men also, Sri A. N. Singh has argued that Shri Das Gupta in his award as to sick leave and sick leave pay observed that where the workmen were enjoying better facilities, such facilities should be continued, and that therefore the workmen under Ghusick and Muslia Collieries Limited must be deemed to continue to enjoy such better facilities as the company was granting before. I would however accept the contention of Shri M. P. Roy that this provision only safeguards the interest of workmen already in service at the time of the award. Moreover, in the letters of appointment of these 3 Mining Sirdars the conditions of service are stated. Conditions 1 and 2 relate to pay scales and provision of free accommodation; condition No. 3 provides that the workmen would be entitled to other privileges as per Colliery Disputes Tribunal Award and other awards. It must be held therefore that the sick leave and sick leave pay rules as provided by Das Gupta award will also be applicable to these workmen until the same is superseded by the recommendations of the Central Wage Board for Coal Mines as adopted by the Government, and they cannot therefore claim benefit of the old practice in respect of monthly paid employees under Ghusick and Muslia Collieries Limited.

7. My award therefore is that the management of Ghusick Workshop and Muslia Colliery of Ghusick and Muslia Collieries Limited was justified in not allowing Sarvashri H. K. Saha, B. C. Kumar and H. N. Singh, Mining Sirdars to enjoy the facilities of 16 days' sick leave with full wages in a year; but the management was not justified in not allowing Sarvashri Harihar Sirdar, Saitan Singh, Night Guard, Muslia Colliery and Ramdas Roy, CCM Fitter, Jit Narain Dhobi, Fitter Supervisor, Balbhadra Jha, Fitter, Golak Karmakar, Latheman and Narain Ch. Sinha, Cap Lamp Incharge of Ghusick Workshop to enjoy the facilities of 16 days' sick leave with full wages in a year. I direct that the last 7 workmen be henceforth allowed to enjoy the facility of 16 days' sick leave with full wages until the recommendations of the Coal Wage Board are given effect to and that they be paid arrears of sick leave allowance due to them under the rule of 16 days' sick leave with full wages.

No order is made as to costs.

Dated Calcutta, the 5th August, 1967.

(Sd.) S. K. SEN,
Presiding Officer.
[No. 6/52/66-LRII.]

S.O. 2913.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Additional Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Gonshadih Colliery of Messrs Gonshadih Coal Company, Post Office Kusunda, District Dhanbad, and their workmen, which was received by the Central Government on the 9th August, 1967.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 69 of 1967

PARTIES:

Employers in relation to the management of Gonshadih Colliery of Messrs Gonshadih Coal Company, P. O. Kusunda, Dist., Dhanbad.

AND

Their Workmen.

PRESENT:

Shri Nandagiri Venkata Rao.—*Presiding Officer.*

APPEARANCES:

For the Employers.—Shri Tarak Nath Ghose.

For the Workmen.—Shri Lalit Burman, Secretary, Bihar Koyla Mazdoor Sabha.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 4th August 1967

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Gonshadih Colliery of Messrs Gonshadih Coal Company, Post Office, Kusunda, Dist. Dhanbad and their workmen, by its order No. 2/82/65-LRII dated 15th September, 1965, referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

“Whether the management of Gonshadih Colliery of Messrs Gonshadih Coal Company, Post Office Kusunda (Dhanbad) and their managing contractors, Messrs Prabhudayal Mangilal, Calcutta were justified in terminating the services of S/Shri Mukunda Dusadh and Roshan Dusadh, Boiler Firemen, with effect from the 16th May, 1965? If not, to what relief are the workmen entitled?”

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 147 of 1965 on its file. Workmen filed their statement of demands. No statement of demands was filed by the employers. While it was pending before the Central Government Industrial Tribunal, Dhanbad the proceeding was transferred to this Tribunal, by the Central Government by its order No. 8/25/67-LRII dated 8th May, 1967, under section 33(B)(1) of the Industrial Disputes Act, 1947. Consequently the reference is renumbered on the file of this Tribunal as reference No. 69 of 1967.

3. On 31st July, 1967, parties have filed a compromise memo. stating that the two concerned workmen do not press their claim of reinstatement as the boilers are no more in use in the colliery due to introduction of electrically-driven machineries during the pendency of the dispute, that the management of the colliery would pay to each of the two concerned workmen a sum of Rs. 1,850 in full and final settlement of their claims and that the payment of the agreed amount would be made immediately. The compromise memo is duly verified. Shri Lalit Burman has also stated that the two concerned workmen have received Rs. 1,850 each as per the compromise and that they have no more claims against the employers. I consider the terms of compromise as fair and reasonable and for the benefit of the two concerned workmen. The compromise is, therefore, accepted and the award is made in terms of the compromise and submitted under section 15 of the Industrial Disputes Act, 1947. The compromise memo is annexed herewith and forms part of the Award.

Sd./- N. VENKATA RAO,
Presiding Officer.

**BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT ADDITIONAL
INDUSTRIAL TRIBUNAL, DHANBAD.**

A. T. REFERENCE No. 69/67

(C.G.I.T. REF. No. 147/65)

PARTIES:

Employers in relation to the management of Gonshadih Colliery.

AND

Their Workmen represented by the Bihar Koyla Mazdoor Sabha.

Joint Petition of Compromise.

The parties above-named most respectfully beg to submit:—

1. That the parties have settled the industrial dispute referred for adjudication by this Hon'ble Tribunal on the following terms and conditions:

Terms of Settlement.

2. (a) That the parties agree that as Boiler are no more in use in the colliery due to introduction of electrically driven machineries during the pendency of the dispute, the posts of Boiler Firemen, in which the two workmen S/Shri Mukunda Dushadh and Roshan Dusadh were, employed, ceased to exist in the colliery.

(b) That the workmen, therefore, do not press for their claim of reinstatement in Gonshadih Colliery.

(c) That considering the length of service of the workmen in Gonshadih Colliery, the management of the colliery agree to pay to each of the two workmen, namely Shri Mukunda Dusadh and Sri Roshan Dusadh a sum of Rs. 1,850 (Rupees One thousand eight hundred and fifty) only in full and final settlement of their claims.

(d) That the payment of the agreed amount is to be made immediately, and on getting the payment as stated above, the workmen shall have no other claim on the management.

3. That the parties pray that the Hon'ble Tribunal may be pleased to hold that the above settlement is fair and reasonable, and may be pleased to pass an award on the basis of the above terms of settlement.

And for this petitioners shall ever pray.

Dated 28th July, 1967.

For the Workmen.

Sd./- LALIT BURMAN,

Secy. Bihar Koyla Mazdoor Sabha,

P.O. & Distt. Dhanbad.

For the Employers:

Sd./- T. N. GHOSH,

Representative of

M/s. Prabhudayal Mangilal,

Ex-Managing Contractors,

of Gonshadih Colliery.

L. T. I. of

MUKUNDA DUSADH.

L. T. 1 of

ROSHAN DUSADH.

[No. 2/82/65-LRII.]

New Delhi, the 18th August 1967

S.O. 2914.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Bankolla Colliery, Post Office Jkhra, District Burdwan, and their workmen, which was received by the Central Government on the 11th August, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 110 OF 1966

PARTIES:

Employers in relation to the Bankolla Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen, Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri D. Narsingh, Advocate.*On behalf of Workmen*—Shri P. Das Gupta, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/46/66-LR.II, dated 10th June, 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Bankolla Colliery P.O. Ukhra, Distt. Burdwan and their workmen in respect of the matter specified in the following schedule:

"Whether the dismissal of Shri Bhuneswar Kurmi, Coal Cutting Machine Mazdoor by the management of Bankolla Colliery with effect from the 2nd August, 1965 was justified? If not, to what relief is he entitled?"

2. Bhuneswar Kurmi was engaged as a coal cutting machine mazdoor at Bankolla Colliery from 1959 according to his own evidence. In 1964 a branch of Colliery Mazdoor Sabha, Asansol, was established at Bankolla and Bhuneswar Kurmi joined the union and became Secretary of the branch committee at Bankolla. In 1965 he became Vice-President of the Committee. There is a branch of the Colliery Mazdoor Congress led by B. P. Jha at Bankolla. The management recognised B. P. Jha's union but did not recognise the Colliery Mazdoor Sabha. According to the union, Bhuneswar Kurmi was an active worker of the branch of the Colliery Mazdoor Sabha at Bankolla, and he used to see the manager with representations about the grievances of workmen and also gave evidence on one occasion when an Officer from the office of the R.L.C., Central, Dhanbad came to Bankolla for enquiry; and the management, therefore, was dissatisfied with him and took advantage of a quarrel which he had with another coal cutting machine mazdoor, Md. Moin, in the third shift of 5th June, 1965 and chargesheeted him and then dismissed him on the result of the departmental enquiry. The enquiry was a farce according to the union, the workman not being given reasonable opportunity to defend himself. The union therefore prayed for re-instatement of Bhuneswar Kurmi with back wages.

3. According to the management the proceedings against Bhuneswar Kurmi were not started because of his trade union activities, but because in the fight between the 2 coal cutting machine mazdoors in the third shift of 5th June, 1965 Bhuneswar Kurmi had started the quarrel and taken the aggressive part, and therefore on the report of the Mining Sirdar the manager drew up chargesheet against him. According to the management, the enquiry was held fairly by the Group Welfare Officer, A. P. Sinha the workman being given full opportunity to cross examine the witnesses for the management and to produce his own evidence; and on the basis of the evidence before him the enquiring officer found that the charge was established and the manager acted on the findings and with the approval of the Agent passed the order of dismissal on 2nd August, 1965.

4. The union proved a letter, Ext.1, from the office of the Regional Labour Commissioner, Central, Dhanbad addressed to the Organising Secretary, Colliery Mazdoor Sabha, Asansol dated 18th September, 1964, wherein the R.L.C. stated that he had enquired into the complaint of the Organising Secretary at Bankolla on 10th September, 1964 and that he had explained to Bhuneswar Kurmi, Branch Secretary of the union at Bankolla, that he must not quarrel with the Mining Sirdar as to the measurement of the quantum of the work done, but that if he had any grievances about the measurement by the Surveyor he should bring the matter formally to the notice of the Manager. The contents of the letter go to show that Bhuneswar Kurmi had been taking an active part in ventilating grievances and that the R.L.C. was rather seeking to restrain his ardour. The management might therefore have some reason to be dissatisfied with Bhuneswar Kurmi

in that connection; but the point for decision is whether the proceedings were started in order to victimise Bhuneswar Kurmi, or were started in the normal course of administration of the colliery on a complaint received from the Mining Sirdar and whether the enquiry was fairly held.

5. According to the management, the enquiry was held on 23rd June, 1965 and that was the date notified for the enquiry vide the office copy of the enquiry notice, Ext.C. The union however on the second day for hearing of the case produced a copy of the notice which had been served on Bhuneswar Kurmi, showing that the date of enquiry was shown therein on 22nd June, 1965. In the office copy, Ext.C, also there is an over-writing in the digit '3' of "23rd June, 1965" and it appears on scrutiny that originally the date put there was 22nd June, 1965 Shri P. Das Gupta appearing for the union has urged that in the circumstances the evidence of Bhuneswar Kurmi should be believed that when he appeared on the date of enquiry, namely 22nd June, 1965 as far as he remembered, no enquiry was held and the enquiring officer merely asked him to leave the colliery. But in the written statement filed by the union it was not suggested that no enquiry had been held at all. It was stated in paragraph 5 of the written statement that the enquiry was a farce and that the workman was denied the opportunity to defend himself. In the complaint which was sent to the Conciliation Officer, which is annexed with the failure report, it appears that the case of the union was that a sham enquiry had been held. I am not therefore prepared to hold that Bhuneswar Kurmi was not present at the time of the enquiry. In the notice of enquiry served on him the date 22nd June, 1965 was put, but there is reason to think that he was informed that the enquiry would be held on the following date 23rd June, 1965; a note to that effect might have been made in the copy of the notice issued to him. It is significant that the bottom portion of the notice, Ext.2, produced by the union has been carefully torn away so that it can no longer be said if anything was written there. There is no reason for tearing away the bottom portion of that notice unless some endorsement had appeared therein. From the record of the enquiry, Ext. E as proved by MW 1. A. P. Sinha, it appears that at least one of the management's witnesses, namely Mongla Hari was cross examined by the delinquent. I cannot believe that such record would have been fabricated in the absence of the workmen concerned. I therefore accept the evidence of A. P. Sinha that the delinquent was present throughout the enquiry and that he was given the full opportunity to cross examine the management's witnesses and to produce his own evidence. A. P. Sinha further stated that as in his reply to the chargesheet, Ext.B Bhuneswar referred to the Colliery Welfare Officer, I. N. P. Sinha, saying that Bhuneswar had made a complaint against Md. Moin to that officer, A. P. Sinha called the Colliery Labour Officer as a witness; and in the statement at the departmental enquiry, Bhuneswar suggested that the colliery doctor who had examined him should be sent for, and thereupon A. P. Sinha sent for the Colliery Medical Officer, Dr. N. D. Chatterjee and examined him as defence witness. It appears therefore that the enquiring officer showed complete fairness in his enquiry. I must therefore reject the union's contention that no enquiry was held at all in the presence of the workman or that the workman was not given an opportunity to defend himself.

6. At the enquiry, the Mining Sirdar S. K. Chatterjee was examined, and he stated that he received the complaint underground during the third shift of 5th June, 1965 from Md. Moin as to assault and then and there he heard the version of Md. Moin, Mongla Hari and Bhuneswar Kurmi, and being satisfied that Bhuneswar Kurmi had taken the aggressive and started the trouble, he made a complaint to the manager against Bhuneswar Kurmi. It may be mentioned that Mongla Hari, Md. Moin and Bhuneswar Kurmi were working in one group, Mongla Hari being the coal cutting machine driver and Md. Moin and Bhuneswar Kurmi being two coal cutting machine mazdoors attached to the driver. According to evidence of both Md. Moin and Mongla Hari, the trouble arose when after taking out the coal cutting machine from the coal face the machine driver, Mongla Hari, asked the machine mazdoors to take out the picks from the machine so that the machine and the picks might be carried to the surface; Md. Moin asked Bhuneswar Kurmi to loosen the nuts fixing the picks to the machine so that Md. Moin might take out the picks, but Bhuneswar Kurmi asked Md. Moin to do the whole work i.e. both loosening the nuts and taking out the picks, and Md. Moin retorted that it was not his business to do the whole work as machine mazdoor; and thereupon Bhuneswar Kurmi abused Md. Moin and Md. Moin also began to abuse in return and from that quarrel they came to blows. The Mining Sirdar also said that by questioning them then and there he was satisfied about the truth of this version showing that the fault lay with Bhuneswar Kurmi. Initiation of this proceeding therefore had nothing to do with the displeasure of the management with Bhuneswar Kurmi for his trade union activities.

7. My award, therefore, is that the dismissal of Shri Bhuneswar Kurmi, Coal Cutting Machine Mazdoor, by the management of Bankolla Colliery with effect from 2nd August 1965 was justified and that the workman is not entitled to any relief.

Dated Calcutta, the 8th August, 1967.

(Sd.) S. K. SEN,
Presiding Officer.
[No. 6/46/66-LRII.]

S.O. 2915.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Bankola Colliery, Post Office Ukhra, District Burdwan, and their workmen, which was received by the Central Government on the 11th August, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 127 OF 1966

PARTIES:

Employers in relation to the Bankola Colliery.

AND

Their workmen.

PRESENT:

Shri S. K. Sen Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri D. Narsingh, Advocate.

On behalf of Workmen—Shri P. Dass Gupta, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By order No. 6/40/66-LRII dated 5th October 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Bankola Colliery, P. O. Ukhra, Dist. Burdwan and their workmen in respect of the matter specified in the following schedule:

“Whether the dismissal of Shri Chandraballi Singh, Shortfirer, by the management of Bankola Colliery in August, 1965 was an act of victimisation for trade union activities? If so, to what relief is the workman entitled?”

2. Chandraballi Singh, a Shortfirer working at Bankola Colliery, was charge-sheeted on 22nd July 1965, the charge against him being that he was absent without leave for more than 10 days from 6th to 21st July 1965; that he used to be habitually absent without permission and that he committed breach of Mine Regulation 39 as he is a competent person as Shortfirer and absented himself without previous permission from any superior authority. Chandraballi submitted his reply on 23rd July 1965, denying the charges. An enquiry was held by the Group Welfare Officer, A. P. Sinha, on 27th July, 1965. On his report, after having obtained the approval of the Agent, the manager passed the order of dismissal on 6th August 1965 which was served on Chandraballi Singh on 9th August, 1965.

3. According to the union, Chandraballi Singh had incurred the displeasure of the management as he was leading member of the branch of the Colliery Mazdoor Sabha, Asansol, which had been opened in 1964 at Bankola Colliery and was an office-bearer of the branch committee and had made representations to the manager and other authorities about the grievances of workmen. He became ill from 6th July 1965 and applied to the manager along with a medical certificate from a private medical practitioner at Ukhra which is only about half a mile from Bankola Colliery, and he also sent another letter applying for extension of leave as he did not get well as soon as he expected, and when he went to join on 22nd July 1965 he was not allowed to join but was charge-sheeted, and without enquiry he

was summarily dismissed with effect from 9th September 1965 (the correct date is 9th August 1965).

4. According to the management Chandraballi Singh never went to the Colliery Medical Officer for treatment, and after receipt of his first letter the manager had asked for a report from the Medical Officer and the Medical Officer reported that Chandraballi Singh had never come to him. The Medical Officer further under instruction from the manager tried to see Chandraballi Singh at his quarters at the colliery but he did not find him there. When Chandraballi reported for duty on 22nd July 1965 he was allowed to join but not being satisfied that Chandraballi was absent for sufficient cause, the Management drew up a charge-sheet on 22nd July 1965. The enquiry by the Group Welfare Officer, A. P. Sinha, was held on 27th July 1965 in accordance with the principles of natural justice the workman being given full opportunity to cross-examine the management's witnesses and to produce evidence of his own. The management denied the union's allegation that there had been any victimisation because of the workman's trade union activity.

5. As regards the trade union activities, Chandraballi Singh stated in his evidence before the tribunal that he had become a Vice-President of the branch committee of the Colliery Mazdoor Sabha at Bankola Colliery when he was charge-sheeted, and that he and other union members used to make representations to the management regarding grievances of the workman. This however does not by itself show that the management was displeased with him for making such representations or having become a member of the union. No copy of any representation supposed to have been submitted by Chandraballi Singh as Vice-President of the branch committee was produced by the union. There is no evidence on the record to support the plea of victimisation.

6. As regards the enquiry, the records of enquiry, Ext. G, were proved by the Group Welfare Officer, A. P. Sinha, who deposed as MW1. According to his evidence, the charge-sheeted workman, Chandraballi Singh, was present throughout the enquiry, and the statement of each management's witness at it was recorded was read out and explained in Hindi, and Chandraballi was given the opportunity to cross-examine each witness though he did not do so. Chandraballi's statement was then recorded and he was asked to produce defence witness if any, but no defence witness was produced. From this evidence, which is supported by the inquiry record, Ext. G, I must hold that the inquiry was properly held, there is no reason to accept the uncorroborated evidence of Chandraballi that the Enquiring Officer merely asked him to leave the Lal Jhanda Union, and did not hold any inquiry in his presence. The applications for leave which had been sent by registered post by Chandraballi during his absence were filed before the enquiring officer, and the management's replies were also filed. Ext. D is the first application dated 6th or 7th July 1965. A certificate from one Dr. S. K. Mukherjee of Ukhra stating that Chandraballi was suffering from dysentery was enclosed with that application. The certificate is dated 7th July 1965, but the doctor was not examined as witness before the enquiring officer and it cannot be said that the certificate was proved. The doctor has not also been examined before the tribunal. Ext. D1 the second application for extension of leave is dated 12th July. It was accompanied by another certificate from Dr. Mukherjee of Ukhra stating that Chandraballi who had been suffering from dysentery was very weak and was advised rest for 10 days. It was on receipt of the first letter Ext. D by the Group Welfare Officer that he made an endorsement to the manager stating that no sick report had been received regarding Chandraballi and that the Colliery doctor might be contacted. Thereupon the Colliery manager contacted the colliery doctor. The colliery doctor gave his report Ext. J dated 10th July 1965, wherein he stated that Chandraballi did not report sick to him, and that as per instruction of the manager he had sent his compounder to Chandraballi's quarters and then he had gone himself, but neither he nor his compounder could find Chandraballi at his quarters. It may be mentioned that this colliery medical officer, Dr. N. Chatterjee, was examined as a witness at the departmental enquiry and he gave oral evidence about his visit to the quarters of the delinquent. Ext. D2 was another letter addressed to the manager by Chandraballi, wherein he stated that after he became sick he went to the colliery doctor and asked for medical treatment but the doctor refused to give him medicine and so he got treatment from a private doctor. On 17th July 1965 the manager having received this letter directed the Medical Officer of the colliery to report. The medical officer's report is Ext. J1 dated 17th July 1965, wherein he denied the allegation that Chandraballi had come to him or that he had refused to treat him. He said that Chandraballi had never come to him either to his residence or to the dispensary at the colliery for treatment either on 6th July 1965 or on any subsequent date. It may be further added that after receipt of the first application from Chandraballi Singh, the manager had replied by a letter

dated 14th July 1965 Ext 2 stating that the prayer for leave was rejected. Before this letter, the manager had written the letter Ext 1 dated 8th July 1965 drawing attention of Chandrabali that his absence was being treated as unauthorised absence as he was absent without leave. It was in reply to that letter that Chandrabali had written the letter, Ext D2 dated 16th July 1965.

7 In view of the letters mentioned and the medical evidence, the finding of the enquiring officer that the workman was absent without sufficient cause between 6th July and 21st July must be held to be based on sufficient evidence. Shri P. Das Gupta has urged that the charge for habitual absence could not be said to be proved merely on the evidence that on a previous occasion i.e. from 20th January 1965 to 1st February 1965 workman had been absent without leave or had overstayed his leave by more than 10 days. I must agree that there being only one previous occasion proved when Chandrabali Singh was absent without leave or overstayed his leave by more than 10 days without obtaining extension of leave it could not be said that he was being habitual absent without leave. At least three instances should be there before such a finding of habit could be arrived at. It is to be observed however that the manager only dealt with the charge of being absent without leave and without sufficient cause between the period from 6th July to 21st July 1965 in his order of dismissal, the manager did not refer to the charge of habitual absence at all. The order of dismissal was passed on the charge of absence without sufficient cause between 6th July and 21st July 1965. I must therefore hold that the order of dismissal cannot be challenged on the supposed ground that one of the grounds on which the order was passed was unsubstantiated.

8 My award therefore is that the dismissal of Shri Chandrabali Singh, Short-firer, by the management of Bankola Colliery in August 1963 was not an act of victimisation but was justified and accordingly the workman is not entitled to any relief.

Sd/- S K SEN,

Presiding Officer

[No 6/40/66-LRII]

Dated, the 8th August, 1967

New Delhi the 19th August 1967

S.O. 2916.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the Pure Jambad Colliery, Post Office Bahula District Burdwan and their workmen which was received by the Central Government on the 16th August, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CALCUTTA

REFERENCE No 131 OF 1966

PARTIES

Employers in relation to the Pure Jambad Colliery,

AND

Their Workmen

PRESENT

Shri S K Sen,—Presiding Officer

APPEARANCES

On behalf of Employers—Shri M K Mukherjee, Advocate

On behalf of Workmen—Shri N R Roy, Advocate for Khan Shramik Congress

Shri S N Banerjee, Advocate for Colliery Mazdoor Congress, HMS

STATE West Bengal

INDUSTRY Coal Mines.

AWARD

By Order No 6/84/66 LRII dated the 5th November 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Pure Jambad Colliery, P.O. Bahula, District Burdwan and their workmen in respect of the matter specified in the following schedule.

“Whether the management of Pure Jambad Colliery, Post Office Kajoram, District Burdwan was justified in stopping the following workmen from work with effect from the 16th August, 1966?”

- | | |
|----------------------|------------------------|
| 1. Herio Gorh | 53. Radhabai Satnami |
| 2. Panchram Keet | 54. Nildhaja Satnami |
| 3. Kamalabai Keet | 55. Keribai Satnami |
| 4. Ramprasad Satnami | 56. Sovaram Teli |
| 5. Lachmin Satnami | 57. Jharu Dhimra |
| 6. Dayadas Painka | 58. Gangabai Dhimra |
| 7. Bahartin Painka | 59. Dhaniram Teli |
| 8. Bhagatram Dobi | 60. Chhote Rambai Teli |
| 9. Bhagmoti Dobi | 61. Patiram Teli |
| 10. Fulsai Gorh | 62. Sital Teli |
| 11. Tirathbai Gorh | 63. Ratiram Satnami |
| 12. Nohar Dobi | 64. Somarin Satnami |
| 13. Punibai Dobi | 65. Samtu Painka |
| 14. Debi Singh Halua | 66. Adrabai Painka |
| 15. Dularin Halua | 67. Mutu Tei |
| 16. Anandram Satnami | 68. Shamru Painka |
| 17. Sukhbara Satnami | 69. Rajin Teli |
| 18. Tirathram Gorh | 70. Garhandeb Painka |
| 19. Sukhhati Gorh | 71. Kacharubai Painka |
| 20. Nisho Gorh | 72. Kira Chasa |
| 21. Tejram Gorh | 73. Patiram Tanti |
| 22. Jankibai Gorh | 74. Indramti Tanti |
| 23. Hariram Satnami | 75. Ganpet Gara |
| 24. Rathmoti Satnami | 76. Baharitin Gara |
| 25. Kartick Satnami | 77. Ganga Gara |
| 26. Fulbai Satnami | 78. Mehatar Gara |
| 27. Bandhan Gorh | 79. Kunjmati Gara |
| 28. Bahartin Gorh | 80. Ghasia Kawar |
| 29. Gopal Gorn | 81. Deokuwar Kawar |
| 30. Budhwara Gorh | 82. Ratiram Teli |
| 31. Bajaru Gorh | 83. Jankuwar Teli |
| 32. Deokuwar Gorh | 84. Budhan Bhuiya |
| 33. Charanpurin Gorh | 85. Balma Bhuiya |
| 34. Jago Gara | 86. Borhi Garh |
| 35. Mula Gara | 87. Luchne Garh |
| 36. Bholu Gara | 88. Chandan Tanti |
| 37. Ludhu Satnami | 89. Mechitdas Painka |
| 38. Sonai Satnami | 90. Lila Painka |
| 39. Suklal Kawar | 91. Bahata Painka |
| 40. Gouri Kawar | 92. Sonai Painka |
| 41. Mohan Satnami | 93. Basaram Painka |
| 42. Rambai Satnami | 94. Mehattrin Painka |
| 43. Ramdas Painka | 95. Motilal Painka |
| 44. Budhwara Painka | 96. Milen Painka |
| 45. Sonhar Painka | 97. Ramprasad Dobi |
| 46. Jagdeo Teli | 98. Karimudi Dobi |
| 47. Dasoda Teli | 99. Seoratan Dobi |
| 48. Ramlal Satnami | 100. Puraton Dobi |
| 49. Ramin Satnami | 101. Katku Teli |
| 50. Bundhram Satnami | 102. Moghni Teli |
| 51. Sukhwara Satnami | 103. Kalu Keeri |
| 52. Ramadhin Satnami | 104. Jamuna Painka. |

If not, to what relief are they entitled?"

2. All the 104 workmen were quarry workers at Pure Jambad Colliery. One quarry miner used to work along with one quarry loader, and usually the wife of the quarry miner was employed as the loader. Many such husband and wife teams of quarry miner and loader are included among the 104 workmen, e.g., No. 3-Kamalabai is the wife of No. 2-Panchram Keet and No. 5-Lachmin Satnami is the wife of No. 4-Ramprasad Satnami and so on. There are however some stray workers not forming such husband and wife teams, and the number of women or loader kamins appears to be slightly less than half the total number of workers mentioned in the Reference Order.

3. Work in the quarry was stopped with effect from 16th August 1966 and quarry mining was not resumed until 20th December 1966 i.e. nearly 4 months later. The 104 workmen when the reference was made were represented by the Organising Secretary of the Khan Shramik Congress. On 31st July 1967, when the reference was pending a petition supported by affidavit was filed by 101 workmen i.e. all workmen except Nos. 29, 45 and 55 that they have joined the Colliery Mazdoor Congress, HMS and wanted to be represented by Shri Pranab Das Gupta, Organising Secretary of the Colliery Mazdoor Congress, HMS and

Shri S. N. Banerjee, advocate, and not by the Organising Secretary of the Khan Shramik Congress or the Advocate appearing for him. Accordingly these 101 workmen were allowed to be represented by Shri S. N. Banerjee along with Shri Pranab Das Gupta, while Shri N. R. Roy, Advocate appeared for the original union, the Khan Shramik Congress.

4. The Khan Shramik Congress filed a written statement on 7th March 1967; the 101 workmen who have joined the Colliery Mazdoor Congress, HMS, stated that they were adopting the written statement already filed by the Khan Shramik Congress. In the written statement the union alleged that workmen were suffering from sometime because there was no regular payment of their dues like weekly wages, bonus, etc. by the management, and the workmen, therefore, through the union had ventilated the grievances and had moved the Conciliation Officer on several occasions, and that the management was therefore displeased, and in order to punish the workmen and the union had wrongfully stopped the 104 workmen from work with effect from 16th August 1966. The union stated that the workers are all permanent workers but they had not received any notice of stoppage of work nor had they received lay off compensation or retrenchment compensation. They prayed that all the 104 workmen should be reinstated and paid full wages for the period of non employment.

5. Long before this written statement was filed, i.e. from 20th December 1966, all the 104 workmen were taken back, the quarry mining at Pure Jambad Colliery having been resumed from that date. Accordingly the prayer for reinstatement made in the written statement of the union appears to be superfluous. At the hearing both Shri Banerjee and Shri Roy appearing for unions have merely claimed full wages for the period of non employment.

6. On behalf of the management it has been admitted that the previous managing director, Shri R. N. Mukherjee, allowed the wages and bonus to fall in arrears to a certain extent, but it is claimed that such irregularities no longer exist. A new Board of Directors was constituted and Shri D. P. Swika as Director-in-charge took over from 12th October 1966 and arranged to pay up the arrears of wages and bonus due to the workmen in instalments. As regards stopping of the quarry mining from 16th August 1966, the management has denied that this was done in order to punish the quarry workers or the Union for making representations against irregular payment of wages, etc. The management's case is that this became necessary because there was no working face left in the quarry where the coal miners could cut coal; and a week before the stopping of work in the quarry, namely on 9th August 1966, the managing director, Sri R. N. Mukherjee, had given notice asking the male workers of the quarry i.e., the quarry miners to start work from the next week as coal cutters in pits 4 & 5 of Pure Jambad Colliery. The quarry miners however, did not report for work as coal cutters of No. 4 and 5 pits with effect from 16th August 1966, and in the circumstances the management could not be responsible for paying any compensation, not to speak of full wages to these workmen. Further, according to the management, the new Director-in-charge when he took over issued a notice on 14th October 1966 inviting all workmen who had been in the employment of Pure Jambad Colliery to resume work, mentioning at the same time that full normal work would not be possible at once, but there was plenty of earth cutting at the quarry to be done and until the normal working was resumed the workmen could be engaged in earth cutting at the quarry. But none of the 104 quarry miners responded to that notice. According, none of the workmen including the workmen workers, was entitled to any lay off compensation after that date. Further, according to the employers a settlement was reached between the union in the presence of the Asstt. Labour Commissioner, a memorandum of settlement being recorded and signed on 12th December 1966, by which it was agreed that Rs. 10 would be paid to each workman as *ex-gratia* payment for the period upto 19th October and that the period of stoppage of work would be deemed to be leave without pay; and in view of agreement it should be held that the dispute is no longer subsisting.

7. Ext. A is the memorandum of agreement dated 12th December, 1966. In the preamble thereof it is stated that the Khan Shramik Congress raised a dispute on 26th September, 1966, because the management of Pure Jambad colliery had closed down the mine on 20th September, 1966. The letter of the 26th September, 1966, by which the Organising Secretary, Guru Prasad Singh of Khan Shramik Congress raised the dispute before the A.L.C., Raniganj has been proved in this case (Ext. B), wherein it is stated that the management of the colliery closed down the colliery from 20th September, 1966, without notice. It may be mentioned here that working in the pits of the colliery was closed down from 20th September, 1966, and work there was resumed from 2nd December, 1966. The quarry mining was however stopped from 16th August, 1966, and in respect of quarryminers a dispute was raised by the Khan Shramik Congress by a letter

dated 22nd August, 1966, *vide* copy of the letter annexed with the failure report. Moreover, the failure report in respect of the dispute concerning quarry workers was submitted by the A.L.C., Raniganj on 24th September, 1966, and the reference was made on 5th November, 1966. It has therefore been urged by Shri S. N. Banerjee and Shri N. R. Roy that the memorandum of settlement, Ext. A, does not cover the quarry workers, but that the settlement concerned the pit workers only. The reference regarding the quarry miners having already made on 5th November, 1966, the Conciliation Officer could not on 12th December, 1966, hold conciliation proceedings relating to the quarry miners.

8. Accordingly, my conclusion is that the employers can not rely upon Ext. A, the memorandum of settlement dated 12th December, 1966, to show that there is no longer any dispute relating to the quarry workers. It is therefore to be considered whether the stopping the mine workers from work from the 16th August was justified. As regards the circumstances which necessitated the stopping of work in the quarry it is admitted by the workmen examined for the union, Jhari Dhimra and Mehatar Gara, that there was no working place in the quarry from the 16th August. Mehatar Gara stated that the Oria workers who used to remove the earth and expose the coal seam for quarry mining gradually left work because for many weeks they had not been paid; the exposed seam became exhausted and there did not remain any work for quarry miners by the 16th August. Further, both the workmen admitted that 7 days before 16th August, Sri R. N. Mukherjee for the company asked the male workers i.e. the quarry miners to work in the pits from the next week i.e. from 16th August as there would be no working face left in the quarry. Women could not be sent underground according to the Mines Rules and therefore only the men workers could be asked to go underground and work as coal cutters in the pits. It is clear therefore that the quarry was not closed without notice, nor was it closed arbitrarily in order to punish the workers or their union. The two workmen said that they refused to work in the pits as coal cutters as they had all along done work on the surface as quarry miners and had no experience of coal cutting in the pits. But the nature of work is essentially the same and for underground work the coal cutters would further receive an underground allowance. I must hold therefore that the quarry miners i.e. the male workers included in the list of 104 workers, were not justified in refusing to work in the pits from 16th August. As they were given the offer of alternative employment, it cannot be said that in their case stopping of work in the quarry was unjustified. When the quarry mining was resumed from 20th December, 1966, half of the 104 workmen began to work as earth workers, in removing the overburden and exposing the seam, thus taking the place of Oria workers, and the remaining workers resumed work as coal cutters and loaders. Sri Banerjee has urged that from 16th August this work of earth cutting to some and quarry mining to others might have been allotted, but it does not appear that such a suggestion was made to the management when the management gave notice a week before the closure of the work in the quarry. MW1, Rameswar Singh General Secretary of Khan Shramik Congress, admitted that he had received a copy of the notice dated 9th August, 1966, Ext. D, a copy of which was hung up on the Notice Board of colliery office according to the evidence of S N. Chakravorty, a clerk of the colliery. Rameswar Singh said that his union did not send any protest against that notice; that he went to meet the quarry miners after he had received the notice and found them engaged in earth work at Selected Kajora Jambad Colliery, and they said that they were not willing to go and work in the pits as they had already got work at the Selected Kajora Jambad Colliery. Even after the General Secretary heard this from the quarry miners, he did not write to the management stating that the quarry miners were willing to work as earth diggers, i.e., to take the place of Oria workers. The management was then in the state of some confusion. It has already been mentioned that several weeks' wages had been allowed to fall in arrears and the Board of Directors was under re-constitution; it was reconstituted in October and on 12th October, 1966 a new Director in charge took over the control. It is therefore not surprising that the old Managing Director, Sri R. N. Mukherjee, should not have thought of fresh developments at that stage e.g., by engaging some of the quarry miners for removing the over burden and the remaining workers as quarry miners. It appears from the evidence PW 1 and PW 2 that 7 weeks' wages and two bonus had fallen into arrears by 15th August, 1966, but the new Director-in-charge paid up the arrears in instalments until the entire dues upto 15th August were satisfied. The new management took steps to put the affairs of the mine in order, and it would appear that the union appreciated the difficulties of the new management; by the agreement, Ext. A relating to the pit miners and loaders the union agreed that for the first month of non employment, each worker should be paid only Rs. 10 and the rest of the period of non-employment would be treated as leave without pay. It would

appear that the quarry miners changed over to another union to press their claim for full wages for the period of non-employment.

9. I hold that the male workers are not entitled to any payment for the period of non-employment as they refused an offer to work as coal cutters in the pits. It is immaterial that the work in the pits was also stopped from 20th September and was resumed from 2nd December 1966. One cannot foresee what would have happened if 50 to 60 quarry miners had gone and started work in the pits. The stoppage might have been avoided. In any case by the 16th August there was no apprehension of stoppage of work in the pits and therefore I find no justification for the quarry miners to refuse to go down the pit to work as coal cutters.

10. As regards the female loaders, it has been urged by Shri M. K. Mukherjee for the management that as the women were working along with their husbands, when there was no work in the quarry for the male quarry miners there was also no work for the female loaders, and the management was compelled by the circumstances to stop them from work. But the management could not stop them from work without offering any alternative employment or lay off compensation or retrenchment compensation. On behalf of the union it has been urged by Sri Roy that it cannot be deemed to be a case of lay off because under Rule 75A of the Central Rules, the employer must give notice of the commencement or termination of any period of lay off in the prescribed form within 7 days of such commencement or termination. The notice is to be sent to the Regional Labour Commissioner, Central, with copy to the Conciliation Officer, Central having jurisdiction in the locality where the mine is situated. It appears that the management did give a notice within a week, *vide* Ext. E dated 20th August 1966. This is addressed to the Labour Enforcement Officer, Central, Ukhra, but copy was forwarded to the R.L.C., Central Calcutta and A.L.C., Central, Raniganj. Therein the Managing Director mentioned that for want of working faces in the coal bed of the quarry he had asked the male coal cutters of the quarry to work in No. 4 and 5 pits as coal cutters from 17th August 1966 but they refused; and that as he had offered them a job of the same nature and category he was not bound to pay them lay off compensation, but that he would pay lay off compensation to the female workers of the quarry. This notice was not strictly in the prescribed form, but it complied substantially with the form and therefore it may be taken as the required notice under Rule 75A. It appears from the failure report that before the Conciliation Officer, Sri R. N. Mukherjee stated that he was not bound to pay compensation to any of the quarry workers because he had asked the male workers to work in the pits as pick miners and had offered earth-cutting work to the female workers, but the workers had voluntarily absented themselves from such alternative work. There is however no contemporary document indicating that the Managing Director had offered alternative work of earth cutting to the female workers of the quarry. The notice Ext. D given on 9th August 1966 relates only to the male coal cutters of the quarry; they were asked to report themselves as coal cutters in pits 4 and 5 from 17th August 1966. In the notice Ext. E dated 20th August 1966, there is no mention of alternative work offered to the female workers but on the other hand there is an expression of willingness to pay lay off compensation to them. I must hold, therefore, that the management is liable to pay lay off compensation to the female workers included in the list of 104 workmen mentioned in the order of Reference. The claim for full wages made by Shri Banerjee and Shri Roy cannot be accepted. It appears from the evidence of Rameswar Singh that he found the quarry workers engaged in earth work at Selected Jambad Kajora Colliery. He said that he saw this about 2 days after he had received the notice dated 9th August 1966. As he spoke of receiving the notice on 10th August 1966, and till 14th August 1966 the quarry workers were still engaged in the quarry at Pure Jambad, Rameswar Singh's account of having seen them engaged elsewhere 2 days after he had received the notice is not acceptable, but I still think that he did see these quarry miners working at Selected Jambad Kajora at some time. The workers were earning elsewhere during their non-employment at Pure Jambad, and from that consideration too, they are not entitled to full wages.

11. A condition precedent to lay off compensation is that the workman concerned should have completed one year of continuous service under the employer, continuous service in the case of surface workers being defined as actual work for not less than 240 days in a period of 12 months; any period of earned leave with full pay or absence due to temporary disablement by accident arising out of the employment, as also any period during which the workman might have been laid off being deemed to be days of actual work for the purpose. The management filed a list, Ext. G, showing the number of days of actual work by these quarry workers. From the evidence of MW 2, it appears that the list was compiled from the registers of leave account for 1965 and 1966, Ext. F and F1. But in these registers it does not appear that the earned leave taken by the quarry workers

has been recorded except in one or two stray cases. In the case of a female worker the period during which she was on maternity leave is also to be included in computing the number of working days for the purpose of determining lay off compensation i.e., in determining whether she had worked for 240 days during a period of 12 months. There is also no record of maternity leave in these registers, Ext. F and F1. Accordingly, the question as to which of the women workers are entitled to lay off compensation cannot be decided on the evidence before the tribunal, the question has to be left open for settlement by negotiation between the union which now represents them and the management.

12. As regard the period for which such lay off compensation is payable in the cases where the same is found payable, Sri M. K. Mukherjee has urged that it should be limited to a period of 45 days at the most and it should not be payable for the entire period of non-employment of about 4 months; and that in any case no worker can claim such compensation after 14th October 1966 when the new Director-in-charge invited all workmen to resume work, and do earth work for the quarry when work in their own category was not yet available (Ext. C). Under Sec. 25C of the Industrial Disputes Act it is provided that a workman who has completed not less than one year's continuous service under a employer shall be paid for all days during which he is so laid off except for such weekly holidays as may intervene, lay off compensation at the rate of 50 per cent of the total basic wages and dearness allowance that would have been payable for him, provided that the compensation payable to workmen during any period of 12 months shall not be for more than 45 days. But by an amendment to the section it has been provided that the compensation shall be limited to 45 days provided there is an agreement to that effect between workmen and the employers, the employer having an option of retrenching the workmen at any time after the period of expiry of first 45 days. This provision giving power of retrenchment after 45 days to the employer has apparently been made in order to induce the workman to agree that no lay off compensation shall be payable after the first 45 days. In the present case there has been no retrenchment but all the workers have been re-employed. But there is also no agreement with the workmen or any union that the period of lay off compensation shall be limited to 45 days. So an order limiting the lay off compensation to 45 days cannot be passed. As regards the Management's alternative contention that lay off compensation should be paid only upto 14th October 1966, Shri Banerjee has urged that no individual notice was issued to the workers, and so they could not be deemed to be aware of the offer. But the notice of 14th October 1966 was hung up on the notice board of the colliery and Rameswar Singh, General Secretary of Khan Shramik Congress admitted that he received the notice. Under Sec. 25E clause (ii), a workman is not entitled to lay off compensation if he does not present himself for work at the establishment at least once a day. If the workmen were presenting themselves for work once a day, they must have become aware of the offer in the notice dated 14th October 1966. Hence I accept the Management's contention that after 14th October 1966, the female loaders are not entitled to lay off compensation.

13. Accordingly, my award is as follows:—The management of Pure Jambad Colliery was justified in stopping the male quarry miners included in the schedule from work with effect from the 16th August 1966 as they did not accept the offer of alternative employment; but the management was not justified in stopping the women workers i.e., the female loaders included in the schedule from work with effect from 16th August 1966 as no alternative employment was offered until 14th October 1966 and as no lay off compensation was paid, and I direct that the management do pay lay off compensation for the period from 17th August 1966 to 14th October 1966 to such of the female loaders included in the list as are found entitled to lay off compensation under the provisions of the Industrial Disputes Act. The Management, before deciding that a particular female loader is not entitled to lay off compensation will invite an office bearer of the Union, Colliery Mazdoor Congress, to examine the attendance and leave records of that worker, so that no further dispute may arise on this point.

Sd./- S. K. SEN,

Presiding Officer.

Dated, 10th August 1967.

[No. 6/84/66-LRI.]

S.O. 2917—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Chora Colliery No. 10 Pit and 1 and 2 Incline, Post Office Chora, District Burdwan, and their workmen, which was received by the Central Government on the 16th August, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CACUTTA

REFERENCE No. 153 OF 1966

PARTIES:

Employers in relation to the Chora Colliery No 10 Pit.

AND

Their Workmen

PRESENT:

Shri S. K. Sen

Presiding Officer.

APPEARANCES.

On behalf of Employers—Shri K. C. Nandkeolyar.

On behalf of Workmen—Absent.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 8/35/66 LR II dated 13th December, 1966 the Central Government referred for adjudication an industrial dispute existing between the employers in relation to the Chora Colliery No. 10 Pit and 1 & 2 Incline, P.O. Chora Dist, Burdwan and their workmen arising from the dismissal of Shri Muruli Pal, with effect from 7th December 1965. Muruli Pal has been described as Line Mistry in the order of Reference.

2. According to the written statement of the management Muruli Pal was not a Line Mistry but a Line Mazdoor employed from January 1962. One chargesheet was drawn up against him on 23rd September 1965. When enquiry was being held into that chargesheet, Muruli Pal put his signature below the statement of one witness examined for the management, but thereafter he cancelled the signature in spite of the protest of the Enquiring Officer, and thereupon a second chargesheet was served on Muruli Pal on 1st October 1965. As a result of the enquiry, an order was issued on 3rd December 1965 terminating the service of Muruli Pal with effect from 7th December 1965.

3. According to the union, the Khan Shramik Congress, Muruli Pal had become an active member of the branch of that union established at Chora colliery. This union was not recognised by the management there being a recognised union, the Colliery Mazdoor Congress in existence from before at Chora colliery. The management, according to the written statement of the union the Khan Shramik Congress, wanted to disorganise the new union and therefore started proceedings falsely against all the active members of the new union. As regards Muruli Pal, the union alleged that a false charge had been made against him and that no enquiry was held in presence of Muruli Pal and he had been given no opportunity to defend himself. The union claimed reinstatement of the workman with back wages. According to the management, there was no victimisation due to trade union activities; but the chargesheets were issued for misconducts and the misconducts had been proved at fair and proper enquiry.

4. After the parties had filed written statements, the case was fixed for hearing on 11th July 1967. On that day both the parties stated that talk of amicable settlement was going on and wanted an adjournment. Accordingly, the hearing was adjourned to 10th August 1967. On 10th August 1967 the parties have appeared and filed a joint petition of compromise. By the terms thereof the management have agreed to treat the termination of service of the workman or dismissal as noted in the Reference order as a simple discharge or the termination simpliciter and the management have further agreed to make an *ex-gratia* payment of Rs. 100/- to the workman concerned, the workman in turn giving up his claim for reinstatement. The terms are not unfavourable to the workman concerned and are accepted.

5. An award is made in terms of the petition of compromise which shall form part of the award. The date by which the sum of Rs. 100/- is to be paid to the workman concerned not being specified in the petition of compromise, it is directed that the management do pay the sum within one month of the publication of the award.

Sd /- S. K. SEN,
Presiding Officer.

Dated, 10th August, 1967.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT INDUSTRIAL TRIBUNAL
NO 2 CALCUTTA

In the matter of Ref No 153 of 1966

Employers in relation to Chora Colliery No 10 Pit 1 & 2 Incline

AND

Their workman

The Petitioners jointly submit as under:—

- 1 That the reference is fixed for filing compromise or alternatively for hearing on 10th August 1967. The case of the workman concerned in the dispute had been taken by the Union Khan Shramik Congress.
- 2 That the Petitioners have settled the Industrial dispute on the terms and conditions as follows.—
 - (a) That the Management at the instance of the Union agrees to treat the termination of the services of the workman concerned—Sri Murli Pal, Line Cooli, Mazdoor, Chora Colliery, No. 10 Pit, 1 & Incline as discharge or termination simpliciter instead of dismissal
 - (b) That the Management further agreed to pay amount of Rs 100/- to the workman concerned at the instance of the Union in full and final settlement of all his claims, whatsoever
 - (c) That it is mutually agreed to approach your Honour jointly to give the Award based on this settlement
- 3 That the parties agree to bear their own costs and as such their should be no order as to costs. It is therefore prayed that your Honour may kindly be graciously pleased to give the Award accordingly. And for this act of kindness your Petitioners shall as in duty bound, ever pray

For workman
represented by
Khan Shramik Congress

(Sd) Illegible
General Secretary,
Khan Shramik Congress,
P.O. Ukhra, Distt Burdwan

For Employer in relation to
Chora Colliery, No. 10 Pit,
1 & 2 Incline.

(Sd) Illegible,
East Chora Colliery Co Ltd
[No 8/35/66-LR II]

S O 2918—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Pure Jambad Colliery, Post Office Kajoragram, District Burdwan, and their workmen, which was received by the Central Government on the 16th August, 1967

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 2 OF 1967

PARTIES:

Employers in relation to the Pure Jambad Colliery,

AND

Their Workmen

PRESENT:

Shri S K Sen—Presiding Officer

APPEARANCES:

On behalf of Employers—Shri Monoj K Mukherjee, Advocate

On behalf of Workmen—Shri Nikhil R. Roy, Advocate.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/99/66-LRII dated 30th December 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Pure Jambad Colliery, P.O. Kajoragram (Burdwan) and their workmen in respect of the matters specified in the following schedule:

"Whether the management of Pure Jambad Colliery, Post Office Kajoragram Dist. Burdwan was justified in stopping the following loaders from work with effect from the 6th September, 1966?

- | | |
|------------------------|-----------------------|
| 1. Nageswar Chamar | 42. Gopal Beldar |
| 2. Lotan Chamar | 43. Chobilal Chamer |
| 3. Canpot Chamar | 44. Tufani Chamer |
| 4. Khadu Chamar | 45. Harilal Chamer |
| 5. Fulchand Chamar | 46. Sukraj Chamer |
| 6. Bhikari Chamar | 47. Parmeshwar Kuwar |
| 7. Salgu Chamar | 48. Balihari Chamer |
| 8. Rampot Rajvar | 49. Panvhu Chamer |
| 9. Rasamoy Koerl | 50. Rajballi Chamer |
| 10. Mohit Chamar | 51. Kichru Chamer |
| 11. Sagram Chamar | 52. Budhram Chamer |
| 12. Harimongal Chamar | 53. Seonandan Chamer |
| 13. Sahadep Chamar | 54. Joymongal Chamer |
| 14. Sedafal Chamar | 55. Sarju Chamer |
| 15. Narayan Chamer | 56. Sattam Chamer |
| 16. Hardeo Chamer | 57. Miku Chamer |
| 17. Baliram Chamer | 58. Balkaran Chamer |
| 18. Mongru Chamer | 59. Salhanti Chamer |
| 19. Mithailal Chamer | 60. Dalp Chamer |
| 20. Ramdhari Beldar | 61. Sakaldip Chamer |
| 21. Najurulla Mia | 62. Somru Chamer |
| 22. Lohar Chamer | 63. Mongru Chamer |
| 23. Kushar Chamer | 64. Basu Chamer |
| 24. Sudama Chamer | 65. Jhuruli Chamer |
| 25. Misri Chamer | 66. Nowal Chamer |
| 26. Bhulan Kahar | 67. Fouda Chamer |
| 27. Tilongi Chamer | 68. Mohesh Chamer |
| 28. Fagu Chamer | 69. Munirak Chamer |
| 29. No. 1 Balli Chamer | 70. Kamal Chamer |
| 30. No. 2 Balli Chamer | 71. Rangai Chamer |
| 31. Nandkishore Chamar | 72. Gunai Chamer |
| 32. Budhu Chamer | 73. Gunraj Chamer |
| 33. Misrilal Chamer | 74. Rajdeb Rajbhar |
| 34. Ganpot Chamer | 75. Bhurai Bhar |
| 35. Ramnath Chamer | 76. Sonnai Barai |
| 36. Narayan Singh | 77. Choti Chamer |
| 37. Rashiklal Jadab | 78. Chotka Chamer |
| 38. Rudal Mondal | 79. Chuli Chamer |
| 39. Surath Chamer | 80. Surujballi Chamer |
| 40. Punawasi Chamer | 81. Munaswar Chamer. |
| 41. Bonshi Chamer | |

2. The 81 workmen mentioned in the schedule were loaders who used to work in three shifts in the pits of Pure Jambad Colliery No. 47—Parmeswar Kuwar and No. 77—Choti Chamar died in November 1966 or sometime before that according to the evidence of Shri Guru Prasad Singh, Organising Secretary of the Khan Shramik Congress which represents the workmen. As regards these two workmen the reference has abated. According to the union, the employers without any justification stopped the loaders of all the three shifts working in the pit of Pure Jambad Colliery from working from 6th September 1966. The workmen had grievances, e.g. a good deal of arrear wages were due to them and the workmen through the union had been pressing their grievances before the employers for redress; and constant harping of their grievances displeased the employers, and according to the union that was the reason why the employers suddenly stopped the loaders from work. On 9th September the Organising Secretary sent a complaint to the A.L.C.(C), Raniganj and from 10th September 1966 the loaders were again permitted to work. They worked until 18th September 1966. 19th September was a holiday of the colliery. On the 20th September 1966 the loaders were again refused work and work was resumed again on 2nd December 1966 when the 79 surviving loaders were all taken back and permitted to work in their respective shifts. The union

accordingly claimed full pay for the period of non-employment alleging that the stoppage of work was unjustified.

3. According to the employers, there had been a good deal of mismanagement of the colliery under the previous Board of Directors of whom the Managing Director was Sri R. N. Mukherjee. The previous Board of Directors left a good deal of arrear wages due to the workmen. For more satisfactory working of the colliery the Board of Directors was reconstituted and the new Board of Directors took over the management from 12th October 1966, one D. P. Swalka becoming the Director-in-charge. From the records available to the new management, the employers claim that the loaders were not stopped from working from 6th to 9th September; but because they had a good deal of arrear wages due to them, 56 of the workmen were absent from their respective shifts from the 6th to 9th September i.e. for 4 days and 25 workmen did their work in the first shift on 6th September 1966 but absented themselves for the remaining 3 days i.e. 7th 8th and 9th September. Along with the written statement of the employers a list showing the names of those who worked in the first shift on the 6th and those who did not work at all for the 4 days was enclosed. In the circumstances, the employers claimed that the workmen are not entitled to any relief. As regards the subsequent stoppage that was the subject matter of settlement between the union and the employers in the presence of the Conciliation Officer and therefore according to the employers that could not be the subject matter of the present reference.

4. Three witnesses have been examined for the union and only one for the management. Out of three examined for the union, two witnesses are two of the workmen concerned, namely Teelangi Chamer and Nageswar Chamer. They denied the suggestion that they had voluntarily stayed away because arrears of wages were due to them. They said that they had not been permitted to work during the 4 days from 6th to 9th September and again from 20th September until 1st December, 1966. PW 3. Guru Prasad Singh is the Organising Secretary who sent complaint to the Assistant Labour Commissioner, Ext. 3 on 9-9-66 stating that the loaders had been wrongfully stopped from work. As against that evidence the management examined only the law clerk employed at the colliery, namely Shri S. N. Chakravorty, who stated that as the workmen had not been paid regularly under the previous management, the loaders voluntarily stopped work and he proved pay sheets showing that 25 of the loaders worked in the first shift on the 6th September. The evidence based on the pay sheets that 25 of the loaders worked in the first shift on 6th September is accepted but his evidence that the workmen stayed away voluntarily cannot be accepted in the face of the evidence given on behalf of the workmen, which further finds corroboration from an observation in the failure report by the A.L.C., Raniganj, namely that he personally visited the colliery on 24th September 1966 and the manager told him that the 81 loaders had been stopped for want of working face. I must therefore find whether for bad management or otherwise these workmen had been stopped from work by the management on 7th, 8th and 9th September and 56 of them also were stopped from work on the 6th September. 25 of them named in the second list annexed to the written statement of the employers who are Nos 1 to 17 and 19 to 26 of the Reference Order worked in the first shift of the 6th September. Accordingly, 25 of the workmen namely Nos. 1 to 17 and 19 to 26 of the Reference order are entitled to 3 (three) days' average remuneration and the remaining 54 workmen (excluding Sl. Nos. 47 and 77) are entitled to 4 (four) days' average remuneration as loader. The average remuneration should be worked out on the basis of the earning of the previous 4 (four) weeks before 6th September 1966.

5. As regards the subsequent stoppage, I must accept the contention of Shri M. K. Mukherjee that that is not within the subject matter of the Reference for the proceedings before the Conciliation Officer were started on the basis of complaint by the Organising Secretary dated 9th September 1966 and further because in respect of subsequent stoppage of work in the pit from the 20th September when not only loaders and miners but also all other categories of workers were also stopped from work, the pit being closed down altogether, there was a subsequent complaint by the Organising Secretary of the Union dated 26th September 1966 and before the Conciliation Officer, the parties arrived at a settlement, the memorandum of settlement being Ext. A. It was agreed by that settlement dated 12th December, 1966 that the management would make an ex-gratia payment of Rs. 10/- to each workman for the period between 20th September, 1966 to 19th December 1966 and the period of non-employment would be treated as leave without pay. Shri Nikhil R. Roy for the union has urged that there is nothing to show that payment was made on the basis of the settlement. But if the payment was not made, payment can be enforced under the settlement. In view of the settlement, it cannot be said that there is a dispute pending for the closure of the pit from the 20th September, 1966.

6. My award therefore is that the Reference has abated in respect of two of the workmen, namely No. 47-Parmeswar Kuwar and No. 77-Choti Chamer and that as regards the remaining 79 loaders, the management of Pure Jambad Colliery was not justified in stopping them from work between 6th and 9th September, 1966; and Nos. 1 to 17 and 19 to 26 who were stopped from work from 7th to 9th September will receive average remuneration for work as loaders for those 3 (three) days and the remaining 54 loaders who were stopped from work from 6th to 9th September would receive 4 (four) days average remuneration for work as loaders. The average remuneration would be worked out on the basis of earnings of the loaders in the 4 weeks previous to the 5th September, 1966.

Dated, 9th August, 1967.

Sd./- S. K. SEN,
Presiding Officer.

[No. 6/99/66-LR-II]

BALWANT SINGH, Under Secy

(Department of Labour and Employment)

New Delhi, the 16th August 1967

S.O. 2919.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory namely, the Drainage Main Pumping Station, Ramnad Road, Madurai belonging to Madurai Municipality in an implemented area, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for the period upto and including the 30th May, 1968

[No. F. 6/37/67-HI.]

S.O. 2920.—In exercise of the powers conferred by first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry in the matter, hereby specifies that section 6 of the said Act shall in its application to Messrs Bantia Steel Industries (Private) Limited 12, New Bhoiguda, Secunderabad (Andhra Pradesh), with effect from the 1st June, 1967, be subject to the modification that for the words 'six and a quarter per cent' occurring therein, the words 'eight per cent' shall be substituted

[No. 8/104/67/PF-II.]

New Delhi the 19th August 1967

S.O. 2921.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies that, with effect from the 1st July 1967, section 6 of the said Act shall, in its application to Messrs Savai Mills Limited (Central Office), The Bank of Baroda Building, Third Floor, Gandhi Road, Ahmedabad-1, be subject to the modification, that for the words "six and a quarter per cent", the words "eight per cent" shall be substituted.

[No. 8/102/67/PF-II.]

S.O. 2922.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messers Bharat Watch Company, New Bazar, Bijanur-1 (Mysore) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of July, 1967.

[No. 8/108/67/PF-II.]

S.O. 2923.—In exercise of the powers conferred by clause (a) of section 19 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby directs that all or any of the powers exercisable by it as the appropriate Government under the said Act, except those exercisable under section

17 thereof in relation to establishments having departments or branches in more than one State, shall also be exercisable, within the State of Haryana by the Government of that State.

[No. 13(9)67-PF.II.]

S.O. 2924.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sayaji Mills Limited (Central Office), the Bank of Baroda Building, Third Floor, Gandhi Road, Ahmedabad-1, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of July, 1967.

[No. 8/102/67-PF-II.]

ORDER

New Delhi, the 19th August 1967

S.O. 2925.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs the Administrator of the Union Territory of Chandigarh, shall, subject to the control of the President exercise within his territory, all or any of the powers exercisable by the Central Government as the appropriate Government under the Employees' Provident Funds Act, 1952 (19 of 1952), and the Scheme framed thereunder, except those exercisable under section 17 of the Act, in relation to establishments having departments or branches in more than one State.

[No. 13(9)67-PF.II.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 17th August 1967

S.O. 2926.—Whereas the Central Government is of opinion that minimum rates of wages should be fixed under the Minimum Wages Act, 1948 (11 of 1948), in respect of employment in the maintenance of buildings and employment in the construction and maintenance of runways;

Now, therefore, in pursuance of section 27 of the said Act, the Central Government hereby gives notice of its intention to add the said employments to Part I of the Schedule to the said Act.

2. Any suggestions or objections which may be received from any person in respect of the said additions before the 30th day of November, 1967 will be considered by the Central Government.

[No. LWI-I-6/25/65.]

O. P. TALWAR, Under Secy.

(Department of Labour & Employment)

CERTIFICATE

New Delhi, the 18th August 1967

S.O. 2927.—This is to certify that, in exercise of the powers conferred by section 82 of the Mines Act, 1952 (35 of 1952) and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 1062 dated the 13th March, 1967, the Central Government have decided that the crude Oil Pipe Line (including the Pumping Stations and Power Stations thereon) owned by M/s. Oil India Limited,

and running from the oilfield of Naharkatla to the petroleum refineries at Digboi, Gauhati and Barauni is a mine within the meaning of the said Act.

[No. 6/1/66-M-I.]

P. C. MATHEW, Secy.

(Department of Labour & Employment)

New Delhi, the 26th August 1967

S.O. 2928.—In exercise of the powers conferred by section 8 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), read with rule 3 of the Coal Mines Labour Welfare Fund Rules, 1949, the Central Government hereby appoints Dr. (Mrs.) Maitreyee Bose, as a member of the Advisory Committee to represent the interests of the workmen employed in coal mines *vice* Shri Keshav Banerjee died, and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 4380 dated the 23rd December, 1964, namely:—

In the said notification, for the entry against serial No. 15, the following entry shall be substituted, namely:—

“Dr. (Mrs.) Maitreyee Bose”.

[No. 3/4/67-MIL.]

K. D. HAJELA, Under Secy.

(Department of Labour & Employment)

ORDER

New Delhi, the 17th August 1967

S.O. 2929.—Whereas the Central Government is of opinion that an industrial dispute exists between the management of the Indian Airlines Corporation and its pilots in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government is of opinion that the said dispute involves a question of national importance;

And whereas the Central Government is of opinion that the said dispute is of such a nature that the Air-India Corporation is likely to be interested in or affected by such dispute;

Now, therefore, in exercise of the powers conferred by sub-sections (1A), and (5), of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute to the National Tribunal, constituted by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 294 dated the 27th January, 1961, for adjudication and includes in the said reference the Air-India Corporation.

SCHEDULE

1. Having regard to Part II of the Award of the National Industrial Tribunal, published with the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 539 dated the 16th February, 1966 (hereinafter referred to as the Khosla Award), what are the rights admissible to the pilots of the Indian Airlines Corporation in respect of the structure of their emoluments *vis-a-vis* the structure of the emoluments of the pilots of the Air-India Corporation?
2. What are the rights admissible to the pilots of the Air-India Corporation in respect of the structure of their emoluments *vis-a-vis* the structure of the emoluments of the pilots of the Indian Airlines Corporation under Part II of the Khosla Award and the award of the Industrial Tribunal, Bombay published with the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 234? dated the 4th July, 1967?

3. What items or components that go to make up the emoluments of the pilots of the Air-India Corporation and the pilots of the Indian Airlines Corporation respectively should be taken into account for arriving at parity or near-parity of emoluments in terms of Part II of the Khosla Award and whether such parity or near-parity should be at the level of total of all the items or at the level of specific items or groups of items.
4. On the basis of the rights referred to in paragraphs 1 and 2 above and the method of judging parity or near-parity referred to in paragraph 3 above, whether the demand of the pilots of the Indian Airlines Corporation for payment of overseas operation allowance equal to the amount of such allowance paid to the pilots of the Air-India Corporation is justified?
5. On the basis of the findings in paragraphs 1 to 4 above, what increase of emoluments, if any, should be made and from what date such increase should be made in the case of
 - (i) the pilots of the Indian Airlines Corporation; and
 - (ii) the pilots of the Air-India Corporation; by the employers concerned.

[No. 4/113/67/LR.III.]

G. MISRA, Dy. Secy.

(Department of Rehabilitation)**(Office of the Chief Settlement Commissioner)***New Delhi, the 28th July 1967*

S.O. 2930.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (No. 44 of 1954), the Central Government hereby appoints Shri S. K. Soni, as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took over charge of his post.

[No. 8(3)AGZ/67.]

New Delhi, the 11th August 1967

S.O. 2931.—In exercise of the powers conferred by Sub-section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the States of Punjab and Haryana, Shri Harish Chander, Regional Settlement Commissioner, Jullundur as Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the afternoon of 31st July, 1967.

[No. 5(2)/63ARG.]

S.O. 2932.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954) the Central Government hereby appoints Shri Harish Chander, Regional Settlement Commissioner, Jullundur as Settlement Commissioner for the purpose of performing the functions assigned to such officers by under the said Act with effect from the afternoon of 31st July, 1967.

[No. 5(2)63ARG.]

New Delhi, the 18th August 1967

S.O. 2933.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby appoints for the States of Maharashtra, Gujarat, Andhra Pradesh, Madras, Mysore and Kerala, Shri S. K. Soni, Assistant Settlement Officer in the office of Regional Settlement Commissioner, Bombay as Managing Officer for the custody, management and disposal of compensation pool with effect from 17th July, 1967.

[No. 8/3/AGZ/67.]

S.O. 2934.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints Shri S. K. Soni, Assistant Settlement Officer in the office of the Regional Settlement Commissioner, Bombay as Assistant Custodian for the States of Maharashtra, Gujarat, Madras, Mysore, Kerala and Andhra Pradesh, for the purpose of discharging the duties imposed on Custodians by or under the said Act with effect from 17th July, 1967.

[No. 8/3/AGZ/67.]

A. G. VASWANI,

Settlement Commissioner (A) & Ex-Officio Under Secy.

MINISTRY OF TRANSPORT AND SHIPPING

(Transport Wing)

CORRIGENDUM

New Delhi, the 21st August 1967

S.O. 2935.—In the notification of the Government of India in the Ministry of Transport and Shipping (Transport Wing) No. S.O. 2169, dated the 21st June, 1967, published at pages 2195 to 2197 of the Gazette of India, Part II—Section 3—Sub-Section (ii), dated the 1st July, 1967—

(1) at page 2196—

(a) in Note (1)—

(i) in item (i), for “300 No”, read “30°N”, and for “240N”, read “24°N”;

(ii) in item (ii), for “300S”, read “30°S”;

(b) in item (a) of Note (2), for “or”, read “60”;

(2) at page 2197, in line 4 of item (g) for “garlic”, read “garlic*”.

[No. 13-MT(5)/65.]

B. B. LAL, Under Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 17th August 1967

S.O. 2936.—In pursuance of para. (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 15-9-1967, as the date on which the Measured Rate System will be introduced in PORANKI and RAMAVARAPPADU Telephone Exchanges.

[No. 5-40/67-PHB.]

D. R. BAHL,

Assistant Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली 17 अगस्त 1967

एस० नो० 2937.—संघीय आदेश क्रमसंख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किये गए 151 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार

डाक-तार महानिदेशक ने पोरबंदी और रामबख्शाह टेलीफोन केंद्र में 15-9-67 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-40/67-वी० ए० बी०]

डी० आर० बहल,
महायक महानिदेशक। (पी०एच०बी०)

MINISTRY OF HEALTH AND FAMILY PLANNING

ORDER

New Delhi, the 19th August 1967

S.O. 2938—Whereas the Government of India, in the late Ministry of Health has, by notification No. 32-15/64-MPT, dated the 16th February, 1965, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "M.D." granted by the University of British Columbia, Canada, for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. David M. Kennedy who possesses the said qualification, continues to work in the Christian Hospital, Hat Pipalia, Distt. Dewas, Madhya Pradesh to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. David M. Kennedy shall be limited.

[No. F.19-27/67-MPT]

V. K. SAMANTROY, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 17th August 1967

S.O. 2933.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961), and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendments in the Schedule appended to its Notification No. 71 (F. No. 50/12/66-ITJ) dated the 18th July, 1966, namely:

In the said Schedule against 'A' Range, 'E' Range, 'F' Range, 'H' Range and 'I' Range, under column 2, the following shall be substituted namely:—

A-Range, New Delhi

1. Income-tax-cum-Wealth tax Circle VII, New Delhi.
2. Companies Circles I, III, IV, VII, X, XIII, XIV, XV, XVI, XVII and XVIII.
3. Special Circles I, II, III, and IV, New Delhi.
4. B-I, B-I(I), B-III, B-III(I), B-XVI, B-XVI(I) and B-XVI(2) Districts, New Delhi.
5. All Government Salary Circles, New Delhi.
6. Evacuee Circle, New Delhi.
7. D-I & D-II Districts, New Delhi.
8. District III, Wards 'A', 'D' & 'O', New Delhi.
9. District V, Wards F & G, New Delhi.

E-Range, New Delhi

1. Income-tax-cum-Wealth tax Circles VIII, IX and X, New Delhi.
2. A-I, A-I(I), A-II, A-III and Addl. A-III Districts, New Delhi.

3. B-IV, B-IV(I), B-VIII, B-VIII (I), B-XI and B-XI(I) Districts, New Delhi.
4. Companies Circles VIII, IX and XI, New Delhi.
5. District VIII, Wards A, B, C, D, A(I), A(II), A(III) and A-IV, New Delhi.
6. District III, Wards E, F, J, K, L and N, New Delhi.

F-Range, New Delhi

1. B-IX, Addl. B-IX, B-XIV, B-XIV(1), B-XIV(2), B-XVIII, B-XVIII(1) and Addl. B-XVIII Districts, New Delhi.
2. Income-tax-cum-Wealth tax Circle XI, New Delhi.
3. District II, Wards A, B, C, D, A(1), C(1) and C(II), New Delhi.
4. District V, Wards A and B, New Delhi.

H-Range, New Delhi

1. B-VI, B-VI(I), B-XVII, B-XVII(1), B-XVII(2), B-XVII(3), B-XVII(4) Districts, New Delhi.
2. Income-tax-cum-Wealth tax Circle VI, New Delhi.
3. District III, Ward H, New Delhi.
4. District VI, Wards A, B, C, D, E, A(I) and C(I), New Delhi.
5. District V, Wards A(I), B(I), C(I), F(I) and F-II, New Delhi.
6. Special Assessment Circles V, VII, IX and X, New Delhi.

I-Range, New Delhi

1. Income-tax-cum-Estate Duty Circle, New Delhi.
2. B-II, B-II(I), B-VII, B-VII(I) and addl. B-VII Districts, New Delhi.
3. C-I, C-I(I), C-II and C-III Districts, New Delhi.
4. Foreign Section, New Delhi.
5. District III, Wards B, C, I, and P, New Delhi.
6. District I, Ward A, New Delhi.
7. District VII, Ward A, New Delhi.
8. District IX, Ward A, New Delhi.

Explanatory Note

The amendment has become necessary on account of the creation of new wards in the Commissioner's charge.

(The above note does not form part of the notification but is intended to be merely clarificatory).

[No. 69(F. No. 50/167/67-ITJ).]

S.O. 2940.—In exercise of the powers conferred by sub-section (i) of section 122 of the Income-tax Act, 1961 (43 of 1961), and of all other powers enabling it in that behalf, The Central Board of Direct Taxes hereby makes the following amendment in the schedule appended to its Notification No. 61-Income-tax dated the 21st June, 1966, namely:—

In the said schedule against B-Range, Madras, the following shall be substituted, namely:—

B-Range, Madras.

1. City Circle II (all sections) Madras.
2. Salaries Circle, Madras.
3. Salaries Circle I, Madras.
4. Salaries Circle II, Madras.
5. Special Survey Circle (all sections), Madras.
6. Special Investigation Circle 'A', Madras.
7. Special Investigation Circle 'B', Madras.
8. Tax Recovery Circle, Madras.
9. Central Circles I, II, III, IV, V, VI, VII, VIII and IX Madras.
10. City Circle VII (all sections), Madras.

Explanatory Note

The amendment has become necessary on account of creation of a new Central Circle IX, Madras in the Commissioner's charge by abolishing Central Circle, Trichur.

(The above note does not form a part of the notification, but is intended to be merely clarificatory).

[No. 70 (F. No. 50/138/67-ITJ).]

S.O. 2941.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf the Central Board of Direct Taxes hereby makes the following amendment in the Schedule appended to its notification No. 67 (50/158/67-ITJ) dated the 2nd August, 1967, namely:—

In the said Schedule against Belgaum Range under column 2 the following shall be added:—

Belgaum

6. Margao Circle

Explanatory Note

The amendment has become necessary on account of creation of a new circle known as Margao Circle in the Commissioner's charge.

(This note does not form part of a notification but is intended to be merely clarificatory).

[No. 71 (F. No. 50/158/67-ITJ).]

P. G. GANDHI, Under Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS

(Deptt. of Industrial Development)

ORDER

New Delhi, the 19th August 1967

S.O. 2942/IDRA/6/6/67.—In supersession of Serial No. 25 of late Ministry of Industry's Order No. S.O. IDRA/6/2/66, dated the 12th December, 1966, the Central Government hereby appoints with effect from the date of this Order till the 11th December, 1968, Shri M. N. Kale, Deputy Secretary, Ministry of Petroleum and Chemicals, New Delhi, as a member of the Development Council for the scheduled industries engaged in the manufacture or production of Inorganic Chemicals, *vice* Shri Samaddar who has resigned.

[No. 2(3)/Dev. Council/65-L.C.]

R. C. SETHI, Under Secy.

(Deptt. of Industrial Development)

ORDERS

New Delhi, the 19th August 1967

S.O. 2943.—In exercise of the Powers conferred by Section 4 of the Tractors (Price Control) Order, 1967, the Central Government hereby makes the following amendment to the Order of the Government of India, in the Ministry of Industrial Development and Company Affairs, published with its notification No. S.O. 1119, dated the 30th March, 1967 at pages 805-806 of the Gazette of India Extraordinary in Part II Section 3, Sub-section (ii), dated the 30th March, 1967, namely:

In the said order, for the entry "Rs. 405" appearing in column 6 of the Schedule II against S. No. 3, in respect of Eicher Tractor Model 115/8, the following entry shall be substituted, namely:

"Not applicable as it forms an integral part of the tractor".

[No. F. AEInd-II/5(41)/66.]

S.O. 2944.—In exercise of the powers conferred by clause 4 of the Tractors (Price Control) Order, 1967, the Central Government hereby makes the following amendment to the order of the Government of India, in the Ministry of Industrial Development and Company Affairs, published with its notification No. S.O. 2372, dated the 11th July, 1967 at pages 1231-1232 of the Gazette of India

Extraordinary in Part II Section 3, Sub-Section (ii), dated the 11th July, 1967 namely:—

In the said Order, for the entry appearing in column 3 (Horse Power and basic feature of the engine) in Schedule I:

"28·0HP

3 Cylinders aid cooled".

the following entry shall be substituted, namely:—

"28·0HP

2 Cylinders water cooled."

[No. F. AEInd-II/5(44)/60.]

S. R. KAPUR, Under Secy.

(Deptt. of Industrial Development)

(Indian Standards Institution)

New Delhi, the 8th August 1967

S.O. 2945.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for miners' safety leather boots and shoes details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1 August 1967.

THE SCHEDULE


| Sl. No. | Product/Class of Products | No. and Title of Relevant Indian Standard | Unit | Marking Fee per Unit |
|---------|---|---|----------|---|
| (1) | (2) | (3) | (4) | (5) |
| | Miners' safety leather boots and shoes. | IS:1989-1967 Specification for miners' safety leather boots and shoes (first revision). | One pair | 10 Paise per unit for the first 20 000 units; 5 Paise per unit for the 2000 1st unit and above. |

[No. MD/18:2.]

S.O. 2946.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1 August 1967.

THE SCHEDULE

| Sl. No. | Design of the Standard Mark | Product/Class of Product | No. and Title of the Relevant Indian Standard | Verbal description of the Design of the Standard Mark |
|---------|--|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| | IS : 1989  | Miner's safety leather boots and shoes. | IS : 1989-1967 Specification for miner's safety leather boots and shoes (First revision) | The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact size and relative proportions as indicated in col(2) the numbers designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design. |

[No. MD/17:2.]

New Delhi, the 10th August 1967

S.O. 2947.—In exercise of the powers conferred on me under sub-regulation (4) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, modifications to the provisions of the Indian Standard, details of which are mentioned in the Schedule given hereafter, have tentatively been made with a view to expediting the use of the Standard Mark, without in any way affecting the quality of goods covered by the relevant standard:

THE SCHEDULE

| Sl. No. | No. and Title of Indian Standard, the Provisions of which have been Modified | Particulars of the Existing Provisions | Particulars of the Modifications made to the Provisions | Date from which the Modifications shall come into force |
|---------|--|---|--|---|
| 1 | 2 | 3 | 4 | 5 |
| | IS: 1720-1960 Specification for cotton sewing thread, bleached or dyed | Clause 5.1 relating to count of thread read with Table II | (i) (Clause 5.1)— <i>Substitute</i> the following for the existing clause: '5.1 Nominal Count of Thread. — Nominal count of sewing threads of varieties listed in Table II shall be in accordance with the applicable requirements of the Table' (ii) (Clause 5.11)— <i>Delete</i> this clause (iii) (Table II, Caption of col. 2)— <i>Add</i> the word 'Nominal' before the words 'Count of Thread'. | 1 August 1967 |

[No. MD/13:5/A]

New Delhi, the 14th August 1967

S.O. 2948.—In partial modification of the then Ministry of Commerce and Industry (Indian Standards Institution) Notification No. S.O. 2083, dated 17th July, 1963 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 27th July, 1963, the Indian Standards Institution hereby notifies that the marking fee rates for pure and analytical reagent grades of nitric, hydrochloric and sulphuric acids have been revised and marking fee rate for nitric acid, technical grade has been determined. The revised and new rates, details of which are mentioned in the Schedule given hereafter, shall come into force with effect from 1st July, 1967:

THE SCHEDULE

| Sl. No. | Product/Class of Product | No. and Title of Relevant Indian Standard | Unit | Marking Fee per unit |
|---------|---|--|------------------|----------------------|
| (1) | (2) | (3) | (4) | (5) |
| 1. | Nitric acid, pure and analytical reagent grades | IS:264-1950 Specification for nitric acid | One kg. | 4.5 Paise |
| 2. | Hydrochloric acid, pure and analytical reagent grades | IS:265-1962 Specification for hydrochloric acid (<i>revised</i>) | | |
| 3. | Sulphuric acid, pure and analytical reagent grades | IS:266-1961 Specification for sulphuric acid (<i>revised</i>) | | |
| 4. | Nitric acid, technical grade | IS:264-1950 Specification for nitric acid | One metric tonne | Rs. 4.00 |

[No. MD/18:2.]

New Delhi, 16th August, 1967

S.O. 2949.—In pursuance of sub-regulation (1) of Regulations 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as subsequently amended, the Indian Standards Institution hereby notifies that fourteen licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

| Sl. No. | Licence No. and Date | Period of Validity | | Name and Address of the Licensee | Article/Process Covered by the Licence | Relevant Indian Standard |
|---------|------------------------|--------------------|---------|---|--|---|
| | | From | To | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | CM/L-1470 7-7-1967 | 16-7-67 | 15-7-68 | M/s. Fort Gloster Industries Ltd., Bauria S. E. Railway, having their office at 14, Netaji Subhas Road, Calcutta-1. | Weatherproof PVC insulated and PVC sheathed cables with aluminium conductors only of the following types : (i) Single core, 250/440 and 650/1100 volts grade. (ii) Flat twin core, 250/440 and 650/1100 volts grade. Weatherproof polythene insulated, taped, braided and compounded cables with aluminium conductors only of the following types : (i) Single core, 250/440 and 650/1100 volts grade. (ii) Flat twin core, 250/440 and 650/1100 volts grade. | IS : 3035 (Part I)—1965 Specification for thermoplastic insulated weatherproof cables: part I PVC insulated and PVC sheathed. IS : 3035 (Part II)—1965 Specification for thermoplastic insulated weatherproof cables: part II polythene insulated, taped braided and compounded. |
| 2 | CM/L-1471 11-7-1967 | 16-7-67 | 15-7-68 | M/s. Gujarat Steel Tubes Ltd., Near Kali Village, Sabarmati, Ahmedabad-5 (Gujarat State), | Mild steel tubes, galvanized, light and medium grade. | IS : 1239--1964 Specification for mild steel tubes, sockets and tubulars (Revised). |

| | | | | | |
|----------------------------------|---------|---------|---|---|--|
| 3. <u>CM/L-1472</u> 13-7-1967 | 16-7-67 | 15-7-68 | The Hindustan Metal Products Co. Pvt. Ltd., 27, Manganese Depot, Sewri, Bombay-15 having their office at 111, Industrial Area, Slon, Bombay-22 | Endrin emulsifiable concentrates | IS : 1310—1958 Specification for endrin emulsifiable concentrates. |
| 4. <u>CM/L-1473</u> 13-7-1967 | 16-7-67 | 15-7-68 | M/s. Keen Pesticides Pvt. Ltd. Industrial Estate, Madical P.O., Perumbavoor (Via), Ernakulam Distt. (Kerala State) having their office at Tower House, M. G. Road, Ernakulam-1. | Endrin emulsifiable concentrates | IS : 1310—1958 Specification for endrin emulsifiable concentrates. |
| 5. <u>CM/L-1474</u> 13-7-1967 | 1-8-67 | 31-7-68 | M/s. Goa Pesticides (P) Ltd., Fatorda, Margao (Goa), having their regd. office at 'Chowgule House', Mormugao Harbour, Goa. | Dieldrin emulsifiable concentrates | IS : 1054—1962 Specification for dieldrin emulsifiable concentrates (Revised). |
| 6. <u>CM/L-1475</u> 13-7-1967 | 1-8-67 | 31-7-68 | M/s. Goa Pesticides Pvt. Ltd., Fatorda, Margao (Goa), having their regd. office at 'Chowgule House', Mormugao Harbour, Goa. | Aldrin emulsifiable concentrates | IS : 1307—1958 Specification for aldrin emulsifiable concentrates. |
| 7. <u>CM/L-1476</u> 13-7-1967 | 1-8-67 | 31-7-68 | M/s. Goa Pesticides Pvt. Ltd., Fatorda, Margao (Goa), having their regd. office at 'Chowgule House', Mormugao Harbour, Goa. | Endrin emulsifiable concentrates | IS : 1310—1958 Specification for endrin emulsifiable concentrates. |
| 8. <u>CM/L-1477</u> 13-7-1967 | 16-7-67 | 15-7-68 | M/s. Shree Marodia Metal Industries, 48, Mali Panchghora Street, Howrah having their office at 21/B, Canning Street, Calcutta-1. | Wrought aluminium utensils, SI B grade. | IS : 21—1959 Specification for wrought aluminium and aluminium alloy for utensils (second revision). |
| 9. <u>CM/L-1478</u> 18-7-1967 | 1-8-67 | 31-7-68 | M/s. Geeta Iron & Brass Works, Bajjuva (Distt. Baroda) | Sluice valves for water works purposes (with non-ferrous spindles and rings) class 1, upto 100 mm size. | IS : 780 E—1966 Specification for sluice valves for water works purposes. |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-----|------------------------|--------|---------|---|---|--|
| 10. | CM/L-1479 24-7-1967 | 1-8-67 | 31-7-68 | M/s. British India Corpn. Ltd., Cooper Allen Branch, Civil Lines, Kanpur | Miner's safety leather boots and shoes. | IS : 1989—1967 Specification for miner's safety leather boots and shoes (<i>first revision</i>). |
| 11. | CM/L-1480 24-7-1967 | 1-8-67 | 31-7-68 | M/s. Howrah Light Casting Co. Pvt. Ltd., 74, Banaras Road, Howrah. | Sluice valves for water works purposes class 2 upto 150 mm | IS : 780 E—1966 Specification for sluice valves for water works purposes. |
| 12. | CM/L-1481 24-7-1967 | 1-8-67 | 31-7-68 | M/s. Kisan Chemicals, 127 In- dustrial Area, Chandigarh. | Aldrin emulsifiable concentrates | IS : 1307—1958 Specification for aldrin emulsifiable con- centrates. |
| 13. | CM/L-1482 24-7-1967 | 1-8-67 | 31-7-68 | M/s. Metal Udyog Pvt. Ltd, In- dustrial Area, Pratap Nagar, Udaipur (Rajasthan). | Aldrin emulsifiable concentrates | IS : 1307—1958 Specification for aldrin emulsifiable con- centrates. |
| 14. | CM/L-1483 24-7-1967 | 1-8-67 | 31-7-68 | M/s. Assam Bengal Veneer Industries Pvt. Ltd., 32, Ca- nal South Road, Calcutta-15 having their regd. office at 9, Clive Row, Calcutta-1. | Tea-chest plywood panels | IS : 10—1964 Specification for tea-chest plywood panels |

[No. MD/33 : 16]

S.O. 1950.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 1 to 15 August 1967.

THE SCHEDULE

| Sl. No. | No. and Title of the Indian Standard Established | No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard | Brief Particulars |
|---------|--|--|--|
| (1) | (2) | (3) | (4) |
| 1. | IS: 834-1967 Specification for cotton yarn, grey, for hosiery. | — | This standard prescribes the requirements of cotton yarn, grey intended for use in hosiery industry and covers counts from 59 tex to 7 tex (or cotton counts 10s to 80s) (Price Rs. 2.50). |
| 2. | IS: 2202 (Part II)—1966 Specification for wooden flush door shutters (solid core type) Part II particle board face panels (<i>first revision</i>) | IS: 2202—1962 Specification for wooden flush door shutters (solid core type) | This standard lays down the requirements regarding material, grade, types, sizes, construction, finishes and test of wooden flush door shutters of solid core type with particle board face panels of both veneered particle board and unveneered particle boards. (Price Rs. 2.50). |
| 3. | IS: 3333 (Part I)—1967 Dimensions for petroleum industry pipe threads Part I line pipe threads. | — | This standard covers basic profile, dimensions and tolerances on line-pipe threads used in petroleum industry (Price Rs. 2.50). |
| 4. | IS: 3354 (Part III)—1967 Specification for valve sockets Part III valve sockets for octal base. | — | This standard covers the requirements for valve sockets for octal base (top or bottom mounting) used in electronic and telecommunication equipment (Price Rs. 3.50). |
| 5. | IS: 3354 (Part IV)—1967 Specification for valve sockets Part IV valve sockets for 9-pin miniature base. | — | This standard covers the requirements for moulded or ceramic types of valve sockets for 9 pin miniature base (B9A) used in electronic and telecommunication equipment (Price Rs. 5.00). |
| 6. | IS: 3792-1966 Guide for heat insulation of non-industrial buildings. | — | This guide is intended to cover heat insulation of non-industrial buildings, such as dwellings, hospitals, schools and office buildings wherein no mechanical cooling or heating aids, such as air-conditioning plants, are used (Price Rs. 9.50). |

| (1) | (2) | (3) | (4) |
|-----|--|-----|--|
| 7. | IS: 3938-1967 Specification for electric wire rope hoists. | — | This standard covers the design, testing and operation of all industrial service electric wire rope hoists up to 5 capacity of the following types : (a) Line suspended, (b) Hook suspended, (c) Trolley suspended, and (d) Base mounted. (Price Rs. 8.50). |
| 8. | IS: 3980-1967 Specification for sintered metal powder oil-impregnated bearings. 1 | — | This standard specifies requirements regarding materials, dimensions, tolerances, inspection and testing procedures for the following types of sintered metal powder oil-impregnated bearings : Grade 1—Copper Base : Class A : Copper-tin Class B : Copper-iron-tin Grade 2—Iron Base : Class A : Pure iron Class B : Iron-copper (Price Rs. 6.00). |
| 9. | IS: 3982-1966 Specification for sheepskin leather for orthopaedic linings. | — | This standard prescribes the requirements, methods of sampling and test for sheepskin orthopaedic lining leather used for the lining of orthopaedic appliances (Price Rs. 6.00). |
| 10. | IS: 4000-1967 Code of practice for assembly of structural joints using high tensile friction grip fasteners. | — | This code lays down the procedure for the fabrication of structural steel conforming to IS: 1977-1962, IS: 226-1962, IS: 2062-1962 and IS: 961-1962 forming rigid joints, using high tensile friction grip fasteners conforming to IS: 3757-1966 where initial tension in the bolt body is depended upon to resist sheer load through friction at the faying surfaces. (Price Rs. 4.00). |
| 11. | IS: 4006 (Part I)—1966 Methods of test for paper and pulp based packaging materials, Part I. | — | This standard prescribes methods for the following tests for paper and pulp based packaging materials: (a) Flexural resistance and deflection; (b) Waterproofness; (c) Water penetration; (d) Grease resistance; (e) Abrasion loss; (f) Blocking resistance; (g) Compression resistance; (h) Rigidity, stiffness and softness; and (i) Air permeability. (Price Rs. 7.00). |
| 12. | IS: 4014 (Part II)—1967 Code of practice for steel tubular scaffolding Part II safety regulations for scaffolding. | — | The code covers safety regulations that shall be observed in the design and construction of scaffolding (Price Rs. 5.00). |

| (1) | (2) | (3) | (4) | | | | | | | | | | | | | | |
|--|--|-----|---|----------|---------|-----------------------------|--------------|----------------------------|---------|--|---------|------------------------------|---------|---|---------|--|-----------|
| 13. | IS: 4042-1967 Specification for top rollers for speed frames. | — | This standard prescribes the requirements of anti-friction bearing type top rollers for use in speed frame (Price Rs. 2.50). | | | | | | | | | | | | | | |
| 14. | IS: 4070-1967 Specification for wheel weighers. | — | This standard covers the requirements for steelvard type and dial type wheel weighers of capacities 1, 3, 5, 10 and 15 tonnes (Price Rs. 2.50). | | | | | | | | | | | | | | |
| 15. | IS: 4079-1967 Specification for canned <i>rasogolla</i> . | — | This standard prescribes the requirements and methods of test for canned <i>RASOGOLLA</i> prepared from milk. (Price Rs. 9.50). | | | | | | | | | | | | | | |
| 16. | IS: 4094-1967 Specification for forceps, sterilizer, Cheate's pattern. | — | This standard specifies the requirements of sterilizer forceps (Cheate's pattern) used for handling sterilized instruments. (Price Rs. 2.50). | | | | | | | | | | | | | | |
| 17. | IS: 4096-1967 Method of measurement of optical focal spot size of X-ray tubes. | — | This standard covers the pinhole camera method of measurement of optical focal spot size for X-ray tubes of voltages up to 300 kV and used for diagnostic therapy and industrial purposes (Price Rs. 3.50). | | | | | | | | | | | | | | |
| 18. | IS: 4104-1967 Methods of chemical analysis of routile. | — | This standard covers methods of chemical analysis of routile in the composition ranges given below : <table><tr><th>Elements</th><th>Percent</th></tr><tr><td>Titania (TiO₂)</td><td>90 and above</td></tr><tr><td>Silica (SiO₂)</td><td>Up to 2</td></tr><tr><td>Ferric oxide (Fe₂O₃)</td><td>Up to 2</td></tr><tr><td>Zirconia (ZrO₂)</td><td>Up to 2</td></tr><tr><td>Alumina (Al₂O₃)</td><td>Up to 1</td></tr><tr><td>Phosphorous pentoxide (P₂O₅)</td><td>Up to 0.1</td></tr></table> (Price Rs. 5.50). | Elements | Percent | Titania (TiO ₂) | 90 and above | Silica (SiO ₂) | Up to 2 | Ferric oxide (Fe ₂ O ₃) | Up to 2 | Zirconia (ZrO ₂) | Up to 2 | Alumina (Al ₂ O ₃) | Up to 1 | Phosphorous pentoxide (P ₂ O ₅) | Up to 0.1 |
| Elements | Percent | | | | | | | | | | | | | | | | |
| Titania (TiO ₂) | 90 and above | | | | | | | | | | | | | | | | |
| Silica (SiO ₂) | Up to 2 | | | | | | | | | | | | | | | | |
| Ferric oxide (Fe ₂ O ₃) | Up to 2 | | | | | | | | | | | | | | | | |
| Zirconia (ZrO ₂) | Up to 2 | | | | | | | | | | | | | | | | |
| Alumina (Al ₂ O ₃) | Up to 1 | | | | | | | | | | | | | | | | |
| Phosphorous pentoxide (P ₂ O ₅) | Up to 0.1 | | | | | | | | | | | | | | | | |
| 19. | IS: 4111 (Part II)—1967 Code of practice for ancillary structures in sewerage system Part II flushing tanks. | — | This standard covers the requirements for location, design considerations and safeguards to be adopted for flushing tanks used in sewerage system. (Price Rs. 2.50). | | | | | | | | | | | | | | |
| 20. | IS: 4124-1967 Glossary of terms relating to powders. | — | This standard covers definitions of terms relating to powders (Price Rs. 3.50). | | | | | | | | | | | | | | |
| 21. | IS: 4131-1967 Specification for nickel-copper alloy castings. | — | This standard specifies the chemical composition and mechanical properties of two types of nickel-copper alloy castings—namely NiCu ₃₁ Mn1Si1Fe and NiCu ₂₉ Mn1Si3Fe (Price 2.50). | | | | | | | | | | | | | | |

| (1) | (2) | (3) | (4) |
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| 22. | IS: 4151E-1967 Specification for protective helmets for scooter and motor cycle riders. | — | This standard lays down the requirements regarding material, construction, workmanship and finish, weight and performance requirements for protective helmets for everyday use by scooter and motor cycle riders (Price Rs. 4.00). |

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, Sandhurst Bridge, Bombay-7, (ii) Third and Fourth Floors, 5, Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54, General Patters Road, Madras-2 and (iv) 117/418-B, Sarvodaya Nagar, Kanpur.

[No. MD/13: 2.]

(DR.) SADGOPAL,
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